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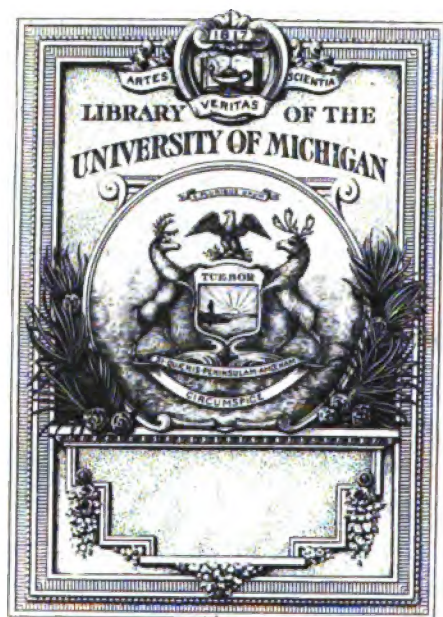
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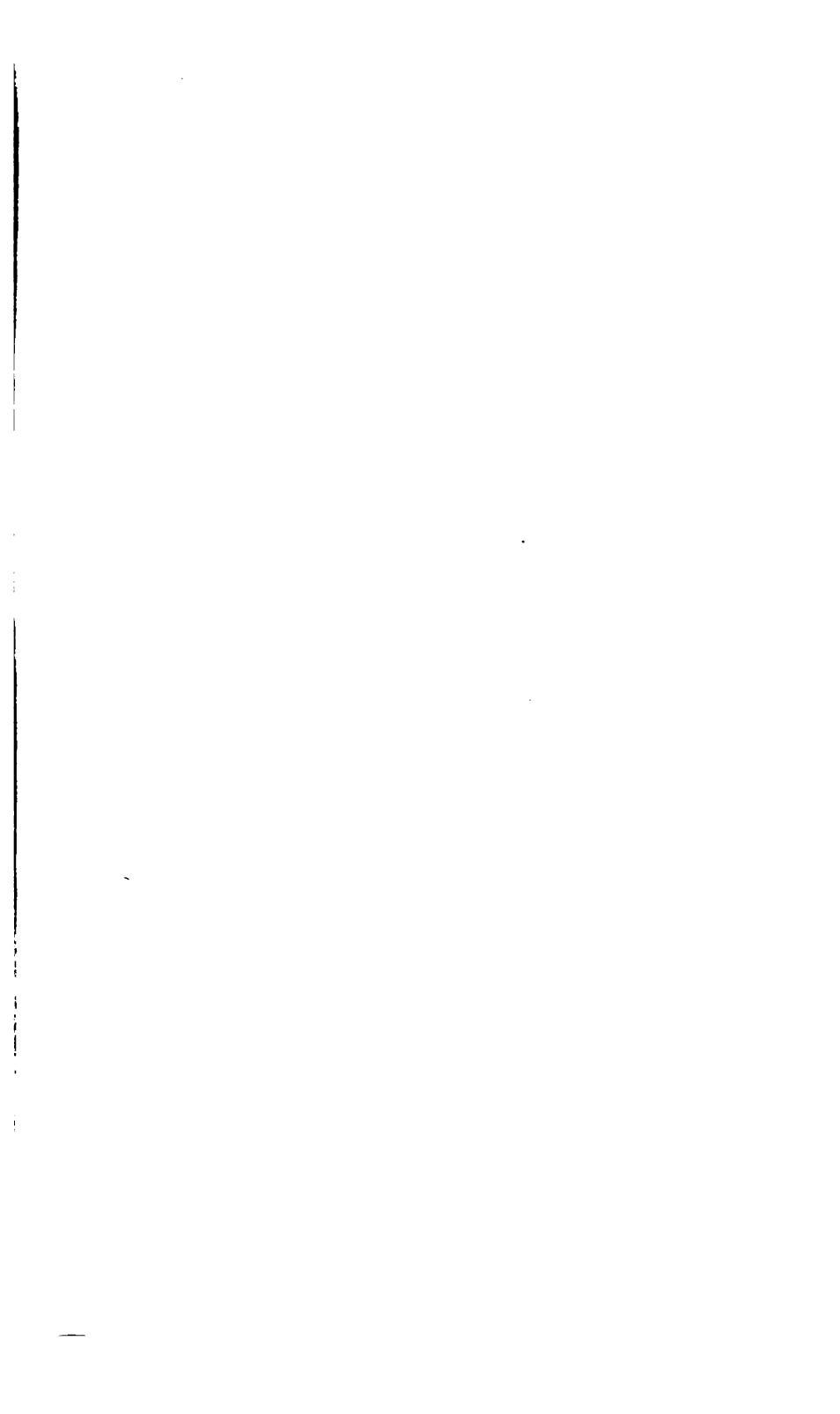
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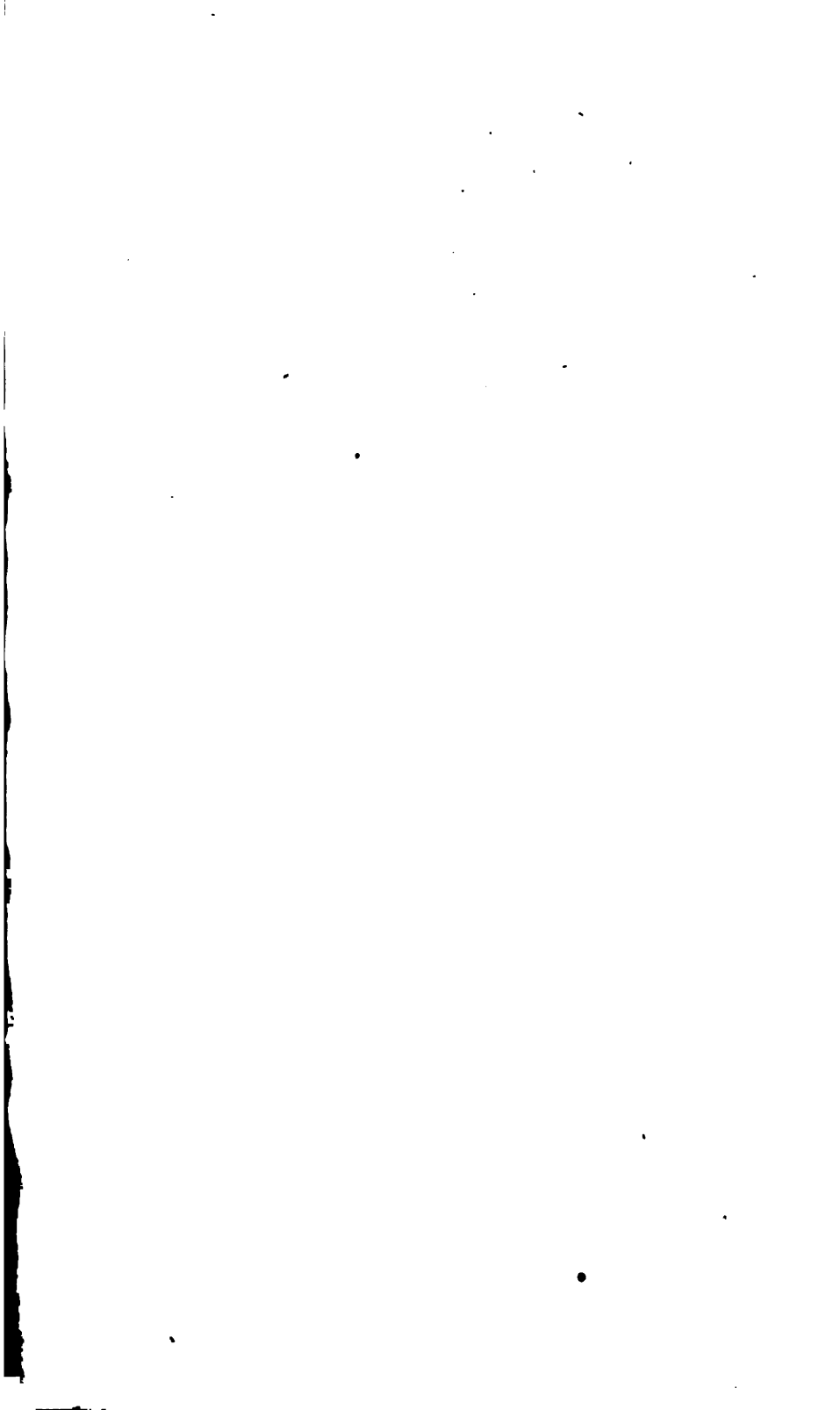


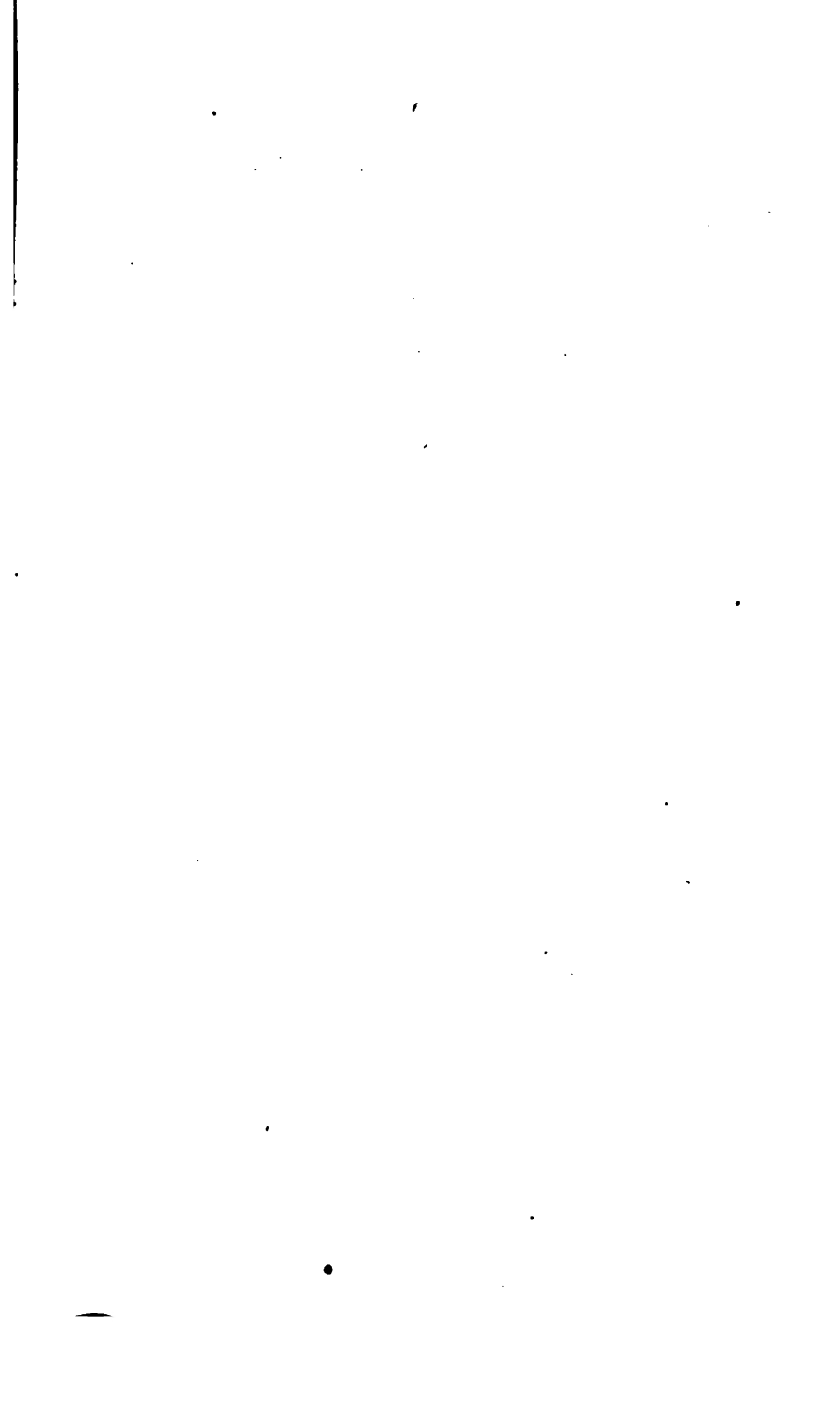
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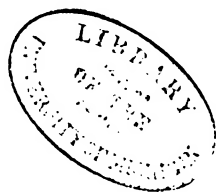






JOURNAL

OF THE



HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN,

1839.

Printed by virtue of an Act of the Legislature, under the supervision and direction of

E. J. ROBERTS,

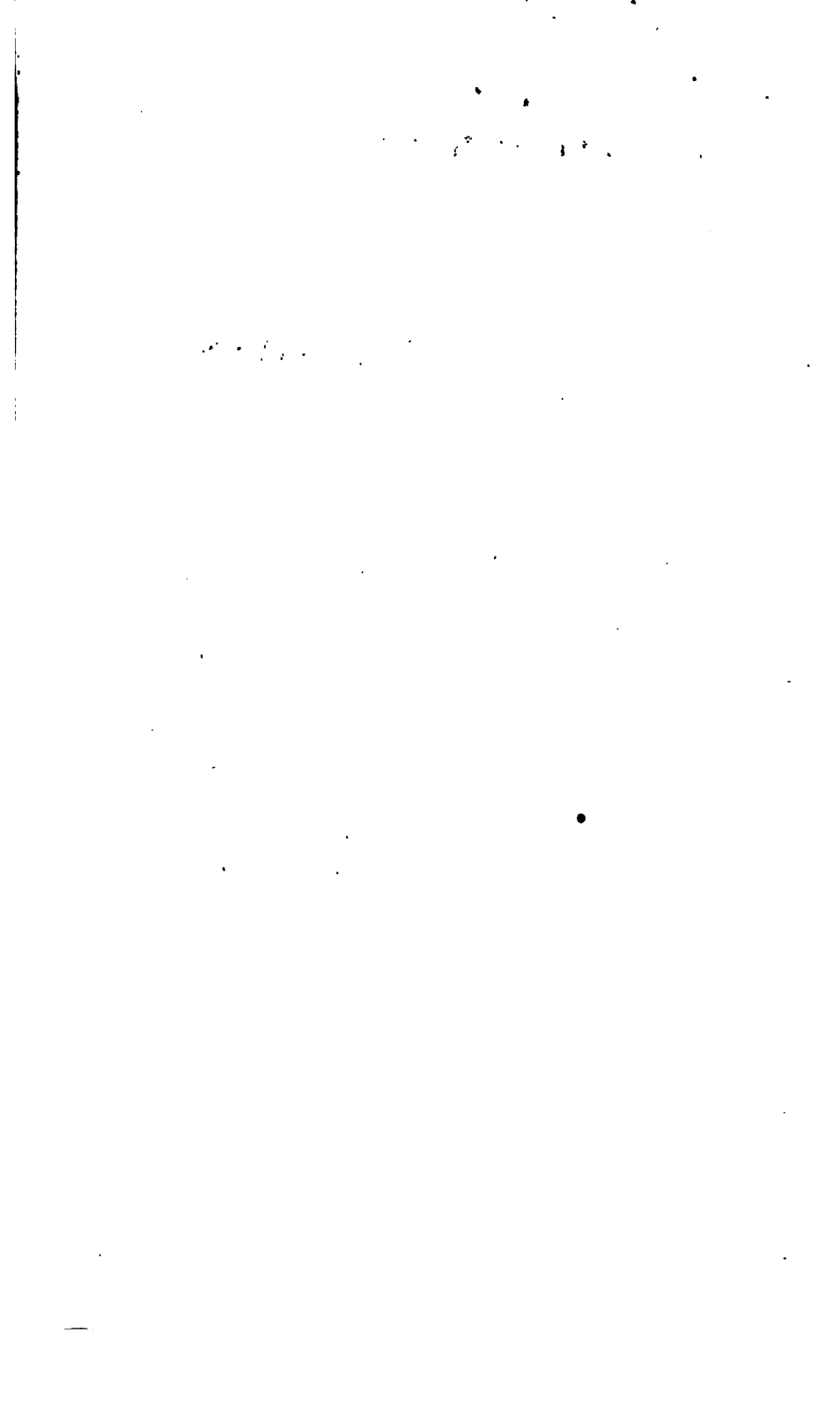
CLERK OF THE HOUSE OF REPRESENTATIVES.



DETROIT:

J. S. AND S. A. BAGG, PRINTERS.

1839.



JOURNAL, &c.

MONDAY, JANUARY 7, 1839.

This being the day fixed, by the twenty-first section and fourth article of the Constitution of this State, for the meeting of the Legislature, the members of the House of Representatives were called to order by the Hon. Kinsley S. Bingham, of Livingston, and on his motion the Hon. Isaac Wixom, of Oakland, was unanimously elected Speaker pro tem.

On motion of Mr. Gibbs, of Calhoun, Anthony Ten Eyck was unanimously elected clerk pro tem.

On motion of Mr. Adam, of Lenawee, Calvin Wood was elected sergeant-at-arms pro tem.

On motion of Andrew Mack, of Wayne, James J. Cicott was elected door-keeper pro tem.

The credentials of the members being presented, there appeared present—

From the county of Wayne—Louis Beaufait, John L. Near, Andrew Mack, Harry Saunders, Ebenezer C. Eaton, Timothy F. Sheldon, and Titus Dort.

Washtenaw—Caleb N. Ormsby, Lewis Allen, John Lowry, Stephen Mead, and George Renwick.

Monroe—Daniel S. Bacon, Laurent Durocher, and Azel Hooker.

Oakland—Jonathan Chase, John J. Livermore, Jeremiah Clark, Jesse Decker, Isaac Wixom, and Ammos Davis.

Lenawee—Artemas Allen, John J. Adam, Davis Smith, and Joseph H. Patterson.

Macomb—Samuel Axford, Alexander Tackels, and Isaac J. Grovier.

St. Joseph—Frederick Shurtz, and Samuel A. Chapin.

Cass and Van Buren—James Newton, and George Meacham.

Kalamazoo—David E. Brown, and Andrew G. Hammond.

Hillsdale—Elijah B. Seely.

Branch—Jared Pond.

Berrien—Thomas Fitzgerald.

Allegan, Barry, and Eaton—David B. Stout.

Calhoun—Justus Goodwin, and George C. Gibbs.

Jackson—Benjamin Copeland, and Henry Acker.

Lapeer—Nathaniel Howland.

Saginaw—Norman Little.

Mackinac—Jonathan P. King.

Kent, Ottawa, and Ionia—Noble H. Finney.

Livingston, and Ingham—Kinsley S. Bingham, and Ira Jennings.

St. Clair—True P. Tucker.

Shiawassee, Genesee, and Clinton—Robert G. McKee.

The oath of office was then administered to the members present by the chief justice, Hon. William A. Fletcher.

A message was received from the Senate announcing that a quorum of the Senate was present, organized, and ready to proceed to business.

On motion of Mr. Bingham, of Livingston, a committee of two, consisting of Messrs. Bingham and Fitzgerald, was appointed to wait on the Senate and inform them that a quorum of the House of Representatives was present, organized, and ready to proceed to business.

Mr. Orinsby, of Washtenaw, announced the death of Calvin Smith, Esq., one of the members elect from said county, and on his motion the following preamble and resolutions were adopted:

Whereas, in the afflicting dispensation of Providence, this House is called upon to lament the death of Calvin Smith, Esq., a representative elect from the county of Washtenaw,

Resolved, That His Excellency the Governor be, and he is hereby requested to order a new election to be holden in said county for the election of one representative to fill the vacancy so occa-

nioned ; and in testimony of our respect for the deceased, and regarding his death as a public calamity,

Resolved, That this House be and is hereby adjourned until tomorrow at ten o'clock A. M.

TUESDAY, JANUARY 8.

The House met pursuant to adjournment ; the roll being called, the journal of yesterday was read.

On motion of Mr. Finney, of Kent,

Resolved, That the rules of the last House of Representatives be adopted as the rules of this House, until otherwise ordered, and that the clerk forthwith cause to be printed one hundred and fifty copies of a manuel embracing the subjects of the manuel of the last Legislature adapted to the present session.

On motion of Mr. Goodwin, of Calhoun, the House proceeded to the election of the officers of the House, *viva voce*.

FOR KINSLEY S. BINGHAM, of Livingston.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seelley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurtz, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | Mr. McKee, | 29 |

FOR DANIEL S. BACON, of Monroe.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Brown, | Mr. Lowry, | Mr. Ormsby, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | | 19 |

FOR THOMAS FITZGERALD, of Berrien.

Mr. Bingham,

1

FOR CALB N. ORMSBY, of Washtenaw,

Mr. Bacon,

1

Whereupon the Chair announced that Kinsley S. Bingham was duly elected Speaker of the House.

The Chair announced Messrs. Mack and Bacon as a committee to conduct the Speaker to the Chair.

The Hon. the Speaker elect having taken the Chair, the House proceeded to the election of a Clerk, *viva voce*.

FOR E. J. ROBERTS, of Wayne.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Durocher, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Axford, | Mr. Finney, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Bingham, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. King, | Mr. Tackles, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |
| Mr. Dort, | Mr. Mack, | |

20

FOR MARK HOWARD.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | |

20

FOR A. TEN EYCK.

Mr. McKee,

1

Whereupon the Chair announced E. J. Roberts duly elected Clerk.

The House proceeded to the election of Enrolling and Engrossing Clerk.

FOR ALFRED H. HANSCOM.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |

| | | | |
|---------------|----------------|----------------|----|
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Eaton, | Mr. Patterson, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Clark, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. Mack, | Mr. Tackles, | |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, | 30 |

FOR THOMAS CHRISTIAN.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | | 20 |

The Chair announced Alfred H. Hanscom elected Enrolling and Engrossing Clerk.

On motion of Mr. Wixom, the election of Recording Clerk was postponed until to-morrow.

On motion of Mr. Wixom, the House proceeded to the election of Sergeant-at-arms.

FOR CALVIN WOOD.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Clark, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. Mack, | Mr. Tackles, | |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, | 30 |

FOR SALMON J. MATHEWS.

| | | | |
|---------------|---------------|-------------|--|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |

| | | |
|---------------|--------------|--------------|
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | 20 |

The Chair announced Calvin Wood duly elected Sergeant-at-arms.

The House then proceeded to the election of Door Keeper.

FOR SALMON SHARP.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tackles, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |
| | | 30 |

FOR JACOB E. BULLOCK.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | 20 |

Whereupon the Chair announced Salmon Sharp duly elected Door Keeper.

On motion of Mr. Fitzgerald, of Berrien,

Resolved, That a committee be appointed, to act with a similar committee on the part of the Senate, to wait on His Excellency the Governor and inform him that the Legislature is organized for business, and ready to receive any communication he may have to make.

The Chair announced Messrs. Fitzgerald and Ormsby, as said committee, who after a short absence reported through their chairman, that they had performed the duty assigned them, and had

received for answer from the Executive that he would communicate to the House a message in writing forthwith.

The following message from the Senate was received through their secretary, Mr. At Lee.

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to inform the House of Representatives that they have passed the following resolution :

Resolved, That a committee of two be appointed, to act with a like committee on the part of the House of Representatives, to inform the Governor that the two Houses are now organized, and ready to receive any communication he may see fit to make.

The annual message was received from the Executive, through his private secretary, C. C. Jackson, Esq., and read, as follows :

Fellow Citizens of the Senate and House of Representatives :

Addressing to you the last annual communication I shall be called upon to present to the people of Michigan, it is a source of unfeigned gratification to be able to congratulate you on the prosperous condition to which our rising commonwealth has attained. You are assembled at a period of peculiar interest. Our people have been favored with general health ; rich rewards have been gathered in the fields of agriculture ; and in every branch of trade, industry and labor have been crowned with unexampled success. With such an earnest from the past and with just hopes and expectations for the future, we cannot fail to reach that high destiny, which has been assigned us with our sister republics.

Neither are these indications of prosperity confined to the limits of our own state. We have but to look abroad upon the condition of our common country, to be satisfied with the lot Providence has assigned us. With a government the freest in the world, we are exempt from internal dissensions ; our external relations with foreign powers are as yet undisturbed ; our commerce is known to every clime ; the increase of our population is beyond former example ; and on every side our country presents the evidences of that continued favor, which has elevated us from feeble and dependent colonies to an extended and powerful confederacy.

Based as our government is, upon the representative will of the

people, the legislature is emphatically the depository of their rights and liberties. It will, therefore, fellow citizens, become you to watch with a vigilant eye the different interests committed to your charge, to guard against all encroachments upon the rights of those you represent, to expose all abuses of power and trust, and to provide wholesome checks against subsequent dangers. Coming as you do, from the immediate body of the people, knowing their desires and wants, it is expected that your wisdom and patriotism will supply the deficiencies, and correct the errors of other branches of the government. No station, therefore, can be more important, than the one you now occupy. In the discharge of your duties, you are bound by the strongest obligations, to endeavor to perpetuate the principles upon which our government has been founded; you are called upon to cherish that ardent attachment for liberty and equal rights, which can alone secure the happiness of the American people; and it is expected that by your precept and example, you will foster a veneration for the institutions of our country.

The officer at the head of the treasury, will lay before you the condition of the finances of the State. From his representation, it will be seen, that the current receipts into the treasury for the past year, have fallen short of the expenditures of the government, under appropriations by law. The amount of receipts from the first day of January, to the twentieth day of December, eighteen hundred and thirty-eight, was one hundred seventy-seven thousand six hundred and sixty-two dollars, twenty cents; the expenditures during the same period, amounted to one hundred eighty-five thousand five hundred and sixty-eight dollars, seventy-six cents, shewing an excess of expenditures of seven thousand nine hundred and six dollars, fifty-six cents. This deficiency in the revenue, is deeply to be regretted, and calls for the prompt and efficient interposition of the Legislature. You will perceive, from the report of the Auditor General, that the amount of taxes due and unpaid by the different counties, will nearly equal the sum of fifty thousand dollars. This inattention on the part of the officers of many counties, to the solemn requisitions of law, must prostrate the energies of the State government, unless corrected; and I submit to you, whether some additional remedy should not

be provided against this gross neglect of duty. The neglect in the assessment and returns of some of the counties must also be remedied by special legislation, at your present session. Sensible that the subject requires the immediate consideration of the Legislature, and satisfied that the existing defects in our revenue system demand a prompt correction, I earnestly invoke your attention to the adoption of such measures as will relieve the people of Michigan from the otherwise inevitable consequence, an embarrassed and bankrupt treasury. It is but just, however, to add, that in addition to the deficiencies in collecting the revenue, the heavy charges incident to the operations of a new State, and which have been drawn from the general fund under the sanction of your predecessors, will in some degree offer a justification for the balance against the treasury.

It affords me the highest gratification to renew my congratulations on the successful progress of our works of internal improvement. Each division of the system, has been prosecuted with an energy and activity, highly creditable to those to whom they are entrusted. The central road is under contract as far as Jackson, being a distance of seventy-eight miles from Detroit, and locations are now in progress as far as Kalamazoo, one hundred and forty miles from Detroit. By the agreement with the contractor, that portion of this road between Ypsilanti and Ann Arbor, should have been ready for the iron rails, as early as the month of October, but from some cause, is not yet completed. On the southern road a commendable energy has been evinced. Thirty miles of this road, as far as Adrian, will be ready for laying the iron early in the ensuing spring; it is under contract as far as Hillsdale, and the engineers are completing the final locations on the third division, as far as the village of Branch. The Saginaw and Clinton canal, are in active progress; the same may be said of the northern railroad, which has been placed under contract for clearing and grubbing from Port Huron to Lyons. The contracts for the construction of the canal around the falls of the Sault de Ste. Marie, have been let, and the work itself will be commenced at an early day. Additional experience but serves to confirm the importance of this last improvement, and it is hoped it may command the consideration of the Legislature. For a more par-

ticular and detailed statement, however, of the condition and progress of our internal improvements, I beg leave to refer you to the report of the Commissioners, which will be laid before you without unnecessary delay.

The expenditures in this department, thus far, amount in all, to \$888,301 03. On the central road, the expenditure has been \$572,789 69; the southern, \$216,825 70; the northern, \$20,998 69; on the Clinton canal, \$34,098 84; the Saginaw, \$17,203 99; the Sault de Ste. Marie canal, \$1,946 75; and on the different navigable streams, \$24,139 64. The central road is the only work which has been completed, so far as to yield an income. The returns of the collector exhibit a flattering statement of receipts, and they augur well for the ultimate success of this road, as a work of public importance. From the month of February, 1838, when the road was opened, to the eighteenth day of December last, the entire receipt of tolls amounted to \$81,604 54. The number of passengers who have passed over this road, was twenty-eight thousand seven hundred and fifty-one; the amount of merchandize transported, nine million seven hundred and ninety-two thousand four hundred and fifteen pounds; and the number of barrels of flour fifteen thousand and fifty. This amount of receipts, after deducting the expenses of the road, is applicable to the purposes of the sinking fund, and is now in bank. When it is borne in mind, that the receipts as above stated, have accrued on only twenty-eight miles of the road, it is fair to conclude, that in progress of time, when the entire work is completed, the resources of the state developed and the enterprize of our increasing population actively employed, it will yield a return of income beyond our most sanguine expectations.

But this flattering exhibition, must not lead us to forget the caution and economy, with which our expenditures should be made. We have adopted a system of internal improvements, which will, for its success, demand the exercise of our most rigid economy. The works we have in contemplation, embrace, in all, a distance of eleven hundred and nine miles, and are to be constructed at an estimated expenditure of seven million seven hundred and ninety-four thousand four hundred and thirty dollars, exclusive of all cost for cars, locomotives, and other machinery. This estimate, it is

feared, will fall short of the actual cost of these works ; and with such apprehensions, it will behoove the Legislature to guard with scrupulous care the fund assigned to this branch of the government. Examine rigidly the expenditures of the Commissioners. Let no complaints pass unheeded. Direct your committees to investigate fully the proceedings of the present and previous boards of Commissioners, that it may be distinctly known to the people of Michigan, if there has been any profligate expenditures, or improper use of the public moneys.

Connected with the internal improvements of the State, there is a subject, to which I beg leave to call your impartial consideration. Under the act of March 21st, 1837, the Governor of the State was authorized to negotiate a loan of five millions of dollars. This duty has been fulfilled, and I now submit to the Legislature the details of that negotiation.

Immediately on the enactment of the law authorizing this loan, its exclusive negotiation was placed in the hands of a competent agent in the city of New York, it being impracticable for the Executive of the State to devote personally to the undertaking that attention which its magnitude required. Although confidently assured at this time, that a negotiation would be closed, at an early day, yet in consequence of the embarrassed state of the money market, and the difficulty attending the sale of American stocks abroad, the expectations of the agent were left unrealized. It is but just, however, to say, that this assurance of the agent was based upon advices from Europe, received through the banking-house to whom the foreign negotiation was entrusted. As an earnest that the loan would be concluded, the agent agreed to advance to the State, on his own account, one hundred and fifty thousand dollars. This amount was received, and contrary to my expectations or instructions, through bills drawn on London, on account of the Michigan State stock. The subsequent reception in London of the amended law, authorizing the loan, induced the contracting parties to break off the negotiation, which would have been successful, had not the amended, as well as the original law, been defective. This failure in the foreign negotiation, compelled the reimbursement of the sum received through the medium of the European bankers.

To satisfy the Legislature that this stock has been introduced into the European market under the most favorable auspices, it is but necessary to state, that it was entrusted to the hands, and received the personal attention, of a member of the house of Prime, Ward & King of the city of New York. Mr. King thus reports the result of his attempted negotiation in London:—"The bonds were received in London in December, 1837. Preparatory negotiations had been entered into there, with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London. Said amendatory act, as also the original act, relating to these bonds, nowhere *expressly* and *directly*, nor in any way but by inference, authorized or permitted the *payment* of the *principal* abroad, although it was explicit as to the payment of *interest*. But it directly limited the rate at which payment of either or both should be made in London—at *par* or \$4 44-100 per £1 sterling, although it requires, that any premium or gain of exchange upon the negotiation should be accounted for to the State of Michigan. Thus, although the State might receive the proceeds of the bonds in sterling abroad, at a premium of ten per cent, yet it would only refund the money and pay the interest *at par*—in other words, to receive \$4 88-100 per £ sterling, but to pay back, \$4 44-100 per £ sterling. It was then thought practicable to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to rates of exchange, rendered any probable price in London insufficient to cover limits. An effort was then made to obtain authority to draw for a given amount, upon leaving the bonds in London, if that should suit the State of Michigan; but no such authority, except after sales made, could be obtained. The rate in London for a Michigan loan of six per cent, interest and principal payable in New York, would probably be \$95 40-100, without allowance for commission and charges." Thus much of the report of Mr. King is submitted to you, in justice to all the parties concerned, and that embarrassments attending the negotiation of this loan, may be fully understood.

In the mean time, however, under the apprehension that the delays in the foreign negotiation might leave the board of inter-

nal improvement without the adequate funds necessary for the prosecution of the public works under their charge, five hundred thousand dollars of State bonds was sold to a gentleman of this city at a premium of six per cent, payable in the current funds of our own banks. On this sale to Mr. Newbury, two hundred thousand dollars was paid, the remaining three hundred thousand dollars of bonds was returned to the State authorities, in consequence of the inability of the holder to meet his payments, or to negotiate his stock, either in American or European markets. Previous to this sale, a proposition was made to the Detroit city banks, but they declined entering into any negotiations.

For the further purpose of showing the embarrassments and difficulties attending moneyed operations during the period the Michigan loan has been in market, I beg leave to state that on the seventh day of May last, a written contract for the entire loan, at par, was entered into with a gentleman of the city of New York, whose financial relations justified the conclusion that he could command the ability to meet his engagement. Eighty thousand dollars on this contract was paid, but it was subsequently cancelled, from the inability of the contractor to meet his additional payments.

Under these embarrassments, and amidst the continued increase of state securities in both the American and European markets, I closed a contract in May last, with the Morris canal and banking company, for five millions of State stock, including that issued to the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies. A copy of this contract, together with other papers relating to the subject, accompany this communication, and to which I beg leave to refer you.

The desire and expectation of all the parties to this contract was, that the State of Michigan should realize the par value of her bonds. By the terms of the contract, the sale was considered absolute, although the agreement itself, is shaped as an agency. This feature in the contract, was urged from the fact, that as Michigan stock, introduced into the market through other sources, had sold as low as ninety-three or ninety-five cents on the dollar, the Morris canal and banking company were apprehensive, that

in the first disposition of this loan, they should be compelled to sell below the par value of the bonds. They were unwilling to encounter this risk, and as the law forbade a direct sale at a less rate than par, provision was made for a commission under an agency, the company guaranteeing to the State the different instalments, whether funds were realized on a sale of the bonds or not. Under this negotiation, one million three hundred thousand dollars has been paid into the State treasury. For the first year the notes of the Morris canal and banking company were to have been received in payment, and to be disbursed by the State, but from considerations connected with our currency at home, drafts at ninety days were subsequently substituted, as appears by the accompanying papers. The remaining payments are to be made in quarterly instalments of two hundred and fifty thousand dollars.

Associated with the Morris canal and banking company, in the purchase of the Michigan bonds, will be found persons of high standing with the financial public, both in the United States and Europe. With a desire to realize to the State the par value of her stock, an agent was despatched abroad, who, as late as October twenty-six, eighteen hundred and thirty-eight, had been unable to effect any negotiation. Under these embarrassing circumstances, the Morris canal and banking company, as you will perceive by the documents transmitted to you, have closed the entire negotiation by a sale of three millions of stock to the Bank of the United States. I regretted the necessity of this sale, as I had hoped to have saved to the State the payment of all commissions.

As a justification for closing this negotiation, the parties in their communication, say: "After consulting with those interested with us, in the contract and agency made with you on behalf of your State, we have come to the conclusion, that we see no prospect of benefitting you, by declining the offer now made to us, and have therefore closed with the party making the offer to purchase at par. We are free to confess, that the recent advices from Europe, of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most undoubted state stocks have been urged upon that market by bank-

ing houses, whose connections with this country had led us to expect a different course, have inspired no little apprehensions of unpleasant results, and have caused us for some time past, to feel that the commission stipulated for, forms but an inadequate compensation for continuing the risk of the foreign market. Banking-houses in London give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large amount of six per cent bonds, *payable in London*, from utter inability to realize funds upon them, except at immense sacrifice. In addition to all this, sterling six per cent bonds, have been recently sold in this city at one hundred and three, and more are offered at the same rate, which would reduce the rate of your bonds, being payable in this country, to about ninety-two cents."

I have thus, as concisely as a correct understanding of the subject would permit, stated to you the proceedings which have been had, under the act authorizing a loan of five millions of dollars for purposes of internal improvements. The negotiation entered into was the most favorable presented by the market ; indeed, it became a question, whether this contract should be accepted, or our works of internal improvement be arrested. After mature deliberation, it was believed that a suspension of our works of internal improvements at this time, would have proven more prejudicial to the public interest than the sale of stock which has been made. No other motive has actuated the Executive, than a desire to discharge his duties with fidelity, and to advance the prosperity of the State ; he can only regret, that he is unable to report a more satisfactory result to his efforts.

The negotiation of this loan was committed to the Executive, contrary to his sense and opinion of what was due to the public interests. At the last session of the Legislature, he earnestly recommended, by a special message, the appointment of loan commissioners ; he stated his inability to devote the proper time to the duty imposed upon him ; and above all, urged that it was wrong in principle to intrust such heavy interests to the uncontrolled discretion of one individual, when no corresponding securities to the State existed. Whilst the commissioners of other states devote their undivided exertions to the negotiation of their loans,

and are present a greater portion of the year at the theatre of their operations, the time of the Executive of this State has been too much divided between the ordinary duties of his office and his negotiations abroad, to secure a proper attention to the important trusts committed to him. If, then, it should occur to the Legislature, that the success of this loan would have been promoted had it been placed in other hands, the loss may in part be attributed to a false economy, which would jeopardize millions of the public funds, rather than create the comparatively unimportant charge upon the treasury of an additional salaried office. With such views and sentiments, I must again urge upon the Legislature, the absolute importance of transferring the management of this loan to other hands.

But, if the subject be inquired into, with a spirit of candor, it will be found that the loss to the State will not ultimately prove so great as is at first imagined. By the contract with the Morris canal and banking company, our bonds are made *dollar* bonds, and are payable, both principal and interest, in the city of New York. In the payment of the interest for twenty-five years to come, when the principal is to be redeemed, no commissions or charges are accruing against the State, neither have we, for the same period, foreign exchange against us. These considerations are of some moment, and are worthy of consideration. It may perhaps also be well to inquire into the sale of the stocks of other states, and more particularly those of our own, issued to private companies, which were introduced into market from other sources, and which, to say the least, have elevated the credit of the State to no great extent. But as there are many circumstances connected with this negotiation, which admit of explanation, and which have, perhaps, in the excitement of a political contest, received an unjust application, I would recommend the appointment of a committee, to investigate all such matters as present an unfavorable aspect to any portion of your body. For myself, I court the most rigid enquiry,—nay, I demand it at the hands of this Legislature.

The unparalleled agitation which has existed throughout the country, for the past two years, makes it my imperative duty to call your attention to the subject of the currency. It certainly is

one of the highest duties of the Legislature, to guard the public against the evils of a spurious and vitiated currency. Ours has hitherto chiefly consisted of the paper issues of the state banks. These institutions, if properly conducted, are not only highly useful, but may be considered as essential to the prosperity of the country. The object of legislation should therefore be, not to destroy, but to correct, the abuses incident to the present system of banking.

In reviewing the history of the embarrassments that have so recently convulsed the American continent, the distant observer must be struck with no little wonder, when, seeing a nation, at the very height of its prosperity, and almost without any apparent cause, suddenly plunged into bankruptcy and ruin. To him, however, who watched the progress of events at home, the approaching catastrophe was inevitable.

But a short time previous to this revulsion throughout the country, our commercial affairs, and trade in general, were greatly extended, and chiefly conducted on credit. The means for sustaining this state of things, were furnished by the immense amount of paper currency issued by the innumerable banks established by the different states. This increase of currency, if it can be called a currency, occasioned increase of prices, fluctuations and expansions in the circulating medium, and finally, a total derangement of the laws of trade; and as the profits of the banks were by proportion to their discounts, the approaching demand for specie, by a return of their issues, was overlooked. The period arrived, however, when the demand for specie, to pay foreign debts, must be made, and the inability in the banks to meet it, produced the general suspension of specie payments, which has been so destructive to the country.

No State, perhaps, has suffered more from the evils of a deranged currency than our own. A most serious and responsible portion of your legislative labors, therefore, consists in supplying an effectual remedy against the disastrous scenes of the past year. Let your attention be diligently directed to this object, for experience has shewn that neither a regard for the rights of the people, a sense of moral obligation, nor a respect for the injunction of the laws of the land, are always sufficient to restrain banks in the

abuse of public trust. To the reports of your Bank Commissioners, I refer you, for a detailed statement of the condition and operations of the different institutions of the State, and I submit to your wisdom the correction of such abuses of your banking system, as will be exhibited to you by those officers.

But the restoration of our currency to a sound state, ought to be effected with as little injury as possible to existing institutions. A just system of redress for abuses committed, and the reformation of palpable defects, does not, by any means, necessarily imply a hostility to banks. The sickly cry of war against the banks, is losing its influence with an intelligent public. War against the banks! Is it to be seen in the banking history of the past two years—in obligations unredeemed, laws violated, and public sentiment outraged? War against the banks! Is it to be found in the archives of your national or state legislatures—in legalizing the suspension of specie payments; in the indulgence of the federal government to its depositories, and in the forbearance of the American people? Let there be an end, then, of this cry of war against the banks. The banks have their rights, and should be protected in them; but they are not above all law, both human and divine. The right of exemption from all responsibility to the people, as set up by many of the existing banks of the present day, is fraught with the most dangerous consequences, and should be firmly and boldly resisted. As has been justly declared, if all the pretensions of these corporations are acknowledged, it is elevating the money power above all others—"above thrones and principalities, laws and constitutions. The debasing consequences which must follow, both morally and politically, are easily seen. Can it be done without debasing the noble and independent spirit which created our free institutions, and without which it is impossible to maintain them? Can it be done without spreading over the land one all-absorbing spirit of gain, which shall extinguish all the more elevated feelings of our nature, and raise him who may dispense the favors of banks, in public estimation, above the philosopher, the statesman, the divine, the patriot, the warrior, or those engaged in the active and productive pursuits of life?"

In my last annual communication to the Legislature, I expressed the opinion, that a powerful and important auxiliary in the re-

formation of our currency, would be found in the creation of a state bank. The experience of the past year, and additional reflection, have but confirmed me in this opinion. This institution, if created, should be made in reality a state institution, responsible to the people, and under the government of their immediate agents. It may be a question worthy of serious consideration, whether the high power of stamping paper, as a substitute for the currency recognized by the federal constitution, should ever have been conferred upon private corporations. It grants an important immunity to a favored few, bestows upon them privileges liable to abuse, and takes from the people the power of regulating their own circulating medium. In a state institution, the control over the currency is in the hands of the people, and the expansions and contractions of paper issues, which always prove so ruinous in their consequences, may be remedied or avoided at the public will. In addition to these considerations, it is a matter of no small moment, that whilst the profits of private banks are so much taken from the pockets of the people, for the benefit of a favored few, the dividends arising on the discounts of a state institution revert back to the people, as a source of revenue to the public treasury.

Should the recommendation of a state bank meet your concurrence, it will task your most mature deliberation in determining its features and provisions. It is, however, confidently believed that the wisdom of the Legislature will supply every want of Executive recommendation, and that no bill will receive your sanction that does not protect the interests and guard the rights of the people of Michigan.

In the organization of such an institution, it will be found that the mode of procuring the necessary capital, will not be an unimportant consideration. The bank should not attempt operations without the actual capital required by the charter being paid into its vaults. This capital might consist of the surplus revenue received from the federal government, the sinking fund arising from the receipts on our works of internal improvement, the university and common school fund, and the proceeds of an issue of state stock. For the detailed features of a charter, we must avail ourselves of the lights and experience of other states. In one con-

viction, however, I am clear : it is, that the control of the institution should never be suffered to pass from the hands of the State. Not less than six or eight states of the union have created banks with this general character, and thus far, they have realized the most sanguine expectations of their respective people. The apprehensions of political influence directing the operations of a state institution, are shown to be unfounded. But, as declared to your predecessors, whilst I can but express the opinion, that a state bank founded on the credit and resources of the State, would be all-important to the prosperity of Michigan, and essential to the reformation of our currency, I shall readily yield to the better judgment of the Legislature.

The Superintendent of Public Instruction will present to you the condition of our common schools, and the state of the public fund committed to his charge. In addition to previous sales, the sales during the past year, of lands set apart for common schools, amounted to fifty-five thousand six hundred and fifty dollars, and those of the university lands to ten thousand one hundred and four dollars. The interest on school lands heretofore sold, has been promptly paid by the purchasers, and it is confidently expected, that the different counties, which have received portions of this fund, will meet their obligations at maturity. But although the purchasers of these, as well as the university lands, have met the interest as it accrued, yet the deranged state of our currency, and the general scarcity of money, render it peculiarly difficult for them, at present, to meet the instalment on the principal now due or coming due. It is perfectly obvious, that the interest would not be paid, did not the holders desire to retain the lands, and the only portion of this fund the State really requires is the interest. I would, therefore, respectfully suggest to your consideration, the propriety of vesting the Superintendent with authority to grant a reasonable extension of the payment of the instalment of ten per cent, where in his opinion it can be done without jeopardizing the interests of the State.

By considering the amount of duties, at present attached to the office, it must readily occur to you, that those of the Superintendent, are becoming too onerous for any one officer. The fund under his direction, is an important one, and should receive the undi

vided attention of a separate and distinct officer. The ordinary and legitimate duties of the Superintendent, in his supervision of our common schools, and the university of Michigan, are likewise highly important and arduous. I would therefore earnestly recommend the appointment of an assistant, who should relieve the Superintendent from the immediate direction of the financial department of the office.

The Regents of the university of Michigan, will report to you the progress of the institution under their direction. As yet, their operations have been limited, resulting from the small income thus far received from the university lands. Five branches of the institution have been organized, and are located at Detroit, Monroe, Pontiac, Kalamazoo and Niles. At these branches are already one hundred and sixty-three youths, under a course of instruction, preparatory to entering the parent institution. An increasing demand exists in the different counties for additional branches; but the limited means at present under the control of the Regents, will not justify a compliance with this demand. I would therefore again recommend that the seventy-two sections of land attached to the state salines, be set apart, as a distinct and permanent fund for the support of the branches of the university.

The lands belonging to the university proper, have been located by a competent officer, and generally confirmed by the proper department at Washington, except the locations on the Grand river. These locations, at an early day, were communicated to the general land office, but as yet, the decision of the commissioner has not been received by the Executive. Under the authority and by the directions of the Legislature, John Mullett, Esq., was appointed to review these locations; but no report has ever been received from him. Under the act of the last Legislature, a loan of one hundred thousand dollars has been effected for the purpose of constructing the university buildings; a plan for the buildings has been adopted, and their erection will be commenced early in the ensuing spring.

I have so often referred to the subject of education in my former communications to the Legislature, and its importance to the permanent prosperity and happiness of the American people, is so manifest, that I shall at present refrain from its repetition. In

a government like ours, which emanates from the people, and where the entire administration of its affairs is submitted to their supervision and control, no other subject can equal in importance that of public instruction. As the friends of civil liberty, it becomes our duty to provide for the education of the rising generation. To the intelligence of those who have preceded us, we are indebted for our admirable system of government, and it is only upon the intelligence of those who are to come after us, that we can hope for the preservation and perpetuation of that system. Our own State has been highly favored. The federal government has secured us an ample fund for all the purposes of a liberal system of education; and it only remains for us to foster it with a scrupulous regard to the important object for which it is assigned. Our system of education, as adopted, has not yet had sufficient time to develop its defects, if any exist. It would not, therefore, be advisable, perhaps, to attempt any material change at present. The success of the system, thus far, is as great as could reasonably be expected, from the short period it has been in operation.

The geological survey authorized by the Legislature, has progressed with all the expedition the nature of that important work would permit; and the high character and scientific ability of those to whom the survey is entrusted, insure its satisfactory completion to the public. For full information on the subject, I refer you to the report of the chief officer of this department, which will be submitted at an early day. From this source it will be perceived, that the anticipation of benefits to the State from this survey, are about to be fully realized, and that the resources of wealth developed to Michigan are unbounded.

At the last session of the Legislature, I called the attention of your predecessors to the importance of encouraging by legislative enactment, the agricultural interests of the State. A bill with this object, passed the House of Representatives at that period, but failed to receive the action of the Senate. The agricultural interest is one of great importance, and claims with justice the protection of the government, and yet it has received less aid from direct legislation, than any other department of industry. But I feel that when it is recollected how essentially the real prosperity

of Michigan depends upon the cultivation of her soil and the labors of her husbandmen, the subject will receive your earnest consideration and favorable action.

The Commissioners appointed to superintend the erection of the state penitentiary, have proceeded in their work with unexampled rapidity. The plan of the buildings has been altered from the original design, so as to produce a saving to the State of two hundred and fifty thousand dollars. The buildings will be fire proof, and will contain eight hundred cells. The probable cost of the entire plan, as estimated, will be about four hundred thousand dollars, being nearly three hundred thousand dollars less than the Auburn prison, New York. The Commissioners also report thirty-four cells in a state of readiness for prisoners.

The loan authorized by the Legislature for building the prison, has been negotiated, and the contract filed with the Treasurer of the State. This appropriation was so limited, that the Commissioners were compelled to borrow additional funds, so as to have the buildings ready for occupation during the present year. Much labor and expense would have been saved the State, had the authority existed for transferring the convicts confined in the different counties to the state prison, where they might have been employed on the public works. I therefore call your attention to the enactment of a law conveying such authority. The acting Commissioner, also, suggests the further appropriation of one hundred thousand dollars at your present session. This sum will cover the advances made the Commissioners by the State deposit bank, will meet the estimates and contracts of the present year, and will complete one half the block of cells, together with the keeper's house. The whole subject is submitted to the Legislature for their favorable consideration.

The judiciary department of the government, being one on which we must chiefly rely for a just and efficient administration of the laws, I must be permitted to call your attention to its present organization. The basis of our judicial system is laid by the Constitution. It consists in one supreme court and such other courts as the Legislature may from time to time establish. At the original organization of our State Government, the judicial power was vested alone in a supreme court, the judges of which

were to perform the duties of circuit judges. That system exists at the present day ; but from the increase of business in the different counties, and from original defects, it is rendered inadequate to the accomplishment of the ends designed by its institution.

One objection to the present organization is, that as the judges of the supreme court are required to review their own decisions, made as presiding judges of the circuit courts, the very natural, and almost inevitable result must be, that it tends to lessen the public confidence in the administration of justice. The judges of the court of last resort, whose decisions in law and in equity are final upon matters of the greatest moment to individuals and the whole community, ought, so far as the law is concerned, to be placed beyond the liability of all suspicion or imputation. An additional objection to the present system is, also, that the proper business of the supreme court will very soon, if it does not now, require an amount of labor and diligence, which will occupy most of the time of the judges. Over and above its original jurisdiction, this court has appellate jurisdiction from the court of chancery, from all the circuit courts in criminal and civil cases, on writs of error, and from the courts of probate of the different counties. This must necessarily bring before the judges many important and unsettled questions, and as the decisions in all such cases are final and conclusive, great labor and responsibility must be attached to the discharge of duties, where the great leading principles of law are to be established, which are to govern our citizens in all time to come, and to protect them in all their rights and liberties.

Satisfied, then, that our present judicial system, is inadequate to the great ends for which it was established, I would recommend such an alteration as will lead to the organization of circuit courts, as reported by the reviser of the laws at the last session of the Legislature. This change will ensure the speedy administration of justice in the different circuits, and will leave the supreme judges sufficient time for study and mature deliberation. Three circuits would probably meet the demands of the public. In point of economy, nothing would be lost by the change ; for, by confining the supreme judges to three in number, as well as the

circuit judges, it is but the increase of two additional offices ; and what is this, when balanced with the immense advantages accruing to the community, from having your judiciary at once placed upon a just and correct foundation. Whatever view the Legislature may take upon the subject, their speedy action on it is highly desirable.

I may here call your attention to the wretched manner in which criminal justice is administered in the different counties. From neglect and inattention, our criminal laws have become almost inoperative. The prompt and efficient execution of our criminal code, chiefly depends upon the exertions of the prosecuting attorney of each county. The inadequate compensation, however, which these officers receive, renders it impossible to secure their attention to the duties imposed upon them. I would recommend, as a remedy for the evil, if no constitutional impediment exists, that the State be divided into districts, and that an attorney be appointed for each district. Such a measure, if adopted, would elevate the office, as it would increase the compensation, and thus command higher legal attainments. The Constitution provides, that there shall be a prosecuting attorney for each county, and the question will arise, whether this provision will prevent the appointment of the same individual for more than one county. My own opinions are in favor of the right of the Legislature to make the contemplated change, but I refer the subject to your consideration. A report from the Attorney General will also be submitted, embracing other amendments to the existing laws.

There is one subject, connected with the duties of the philanthropic legislator, to which I beg leave to call your most serious attention. At repeated sessions of the Legislature, I have earnestly recommended the total abolition of imprisonment for debt. This recommendation received the sanction of two successive Legislatures, the reviser of the laws was instructed to erase the system from his revision, and yet, strange as it may appear, it still remains a blot upon your statute book. Imprisonment for debt has been entirely abolished, except in cases of fraud, in several of the states of the Union, without any inconvenience resulting to the administration of justice. In our own State, a modification has taken place, but still our laws leave the liberty of the citizen at

the mercy of an unrelenting creditor, contrary to every principle of religion, humanity and justice. If imprisonment for debt should be abolished at all, its total abolition is demanded; for the same considerations and principles govern in the one case as the other. My views on this absorbing topic, have been fully presented to the Legislature in frequent executive communications. The subject is again presented for your action, with the conviction, that your regard for the happiness of the poor and unfortunate, your sense of what is due to the spirit of our free institutions, and the expanding philanthropy of the age, render further recommendation on my part unnecessary.

At the last session of the Legislature important changes were made in our militia system, but no adequate remedy is to be found in the existing laws for the indifference and neglect, with which this branch of our State polity is regarded. Under our guarded institutions, no substitute can be proposed for the militia amidst the sudden demands and exigencies of war. In the absence of a standing army, the citizen must be the defender of his country, and yet we find our militia undisciplined, unarmed, and in many instances without even the mere forms of organization. Some additional stimulant must be offered to secure the efficient discharge of their duties by the officers, or the system may as well be abandoned. Your attention therefore is invited to the subject, as one worthy of your deliberations.

As a general rule, the tendency of all legislative bodies is to excess of legislation. That the world is governed too much, is almost as applicable to our own form of government, as to others less free. The spirit of our liberal system, however, repudiates all needless restraints upon the free action of the people. Government should curb the natural right of the citizen, only where the exercise of that natural right, would conflict with the rights of others, or prove injurious to the community at large. And yet our Legislatures are constantly adopting legislative rules to protect the people from themselves.

Amongst these numerous legal restraints, none are more useless and pernicious, than our usury laws. The policy of interfering between citizen and citizen, as to the terms upon which one shall lend and the other borrow, should never be acknowledged.

Leave the rate at which loans should be made between individuals, to supply and demand of the market. A different policy drives capital abroad, or induces it to seek other channels from ordinary loans for investment, increases the dependance on the banks, and above all, in its moral tendency, engenders a disregard for the solemn injunction of the laws. It is true, that by the revised code, our laws on this subject have been modified, but where a principle is correct, it should never be abandoned by a partial compromise.

In the same spirit may be regarded our auction laws. Why this restraint upon an ordinary and harmless pursuit of life? The right to make sales at public auction, should be left open to the community at large, and not be confined to the hands of a select few. The State of New York has abolished the system. In addition to the monopoly created, the license you exact operates as an unequal and indirect tax. You create the monopoly, and impose a license, as a source of revenue to the State, at the same time forgetting that the public are charged with this license by commission on sales, at a rate enhanced by the absence of the competition in trade, which you have prohibited.

It might prove a source of curious speculation to ascertain the indirect taxation with which the American people are charged. The very bread we eat, the clothes we wear, all the necessities of life, every thing except the light of heaven and the air we breathe, are subject to these impositions in the shape of licenses, inspections or duties. The only method of raising the revenues of a republic should be by drawing them openly and directly from the people. They then know and feel what their burthens are. It need not ever be apprehended that they will not render freely what is necessary for the support of the government, according to a just and equal system of taxation. To suppose the contrary, is to contend that the people are incapable of self-government. With such views, I am against all restraints or impositions upon the ordinary pursuits of the citizen, and consequently in favor of a repeal of our existing law relating to sales at auction.

By a joint resolution of the Legislature, approved April 6, 1838, the Governor of the State was instructed to obtain the opinion of some eminent jurist, touching our legal right to the district of coun-

try which has been in contestation with Ohio, and the best mode of prosecuting our claim thereto. The questions presented by this resolution, were submitted to distinguished counsel, a copy of whose opinion accompanies this communication. It will be seen that they are of opinion, that the State and people of Michigan are bound by the assent to the terms of their admission into the Union, as given by the convention of January 6th, 1836; that the alteration in the northern boundary line of Ohio, has now been made by the "common consent," required by the ordinance of 1787; and that Michigan has no remedy left her, known to the constitution and laws of the land, by which she can lawfully disturb the boundary line as now settled.

Amongst the various important questions of public interest which claim your attention, none can be more completely identified with the prosperity of our country than that of the abolition of slavery. In our own State, slavery is prohibited by its Constitution, nor does there perhaps exist amongst ourselves a difference of opinion as to its pernicious consequences to the rapid advancement and permanent prosperity of a community. But whatever may be our opinions as to the abstract question of slavery, its existence as a State institution, is acknowledged by the federal constitution and the laws of the land. In the spirit of conciliation and fraternal feeling, which actuated our fathers in the establishment of our confederacy, the rights of the southern states in their slaves, were guaranteed and secured. A federal union could have been formed on no other basis. And yet, a portion of the people of the north, regardless of these considerations, and of their obligations as parties to the federal compact, are, in a spirit of misdirected philanthropy, engaged in efforts, which, could they be successful, would subvert the domestic institutions of their southern neighbors.

This disregard of every consideration due from one portion of the Union to another, must be lamented by every friend of his country. It tends to disturb the relations created by the federal compact, and is at war with its spirit and designs. But as our free institutions are opposed to all restraints upon the liberty of the press, we can only appeal to the patriotism of our citizens in

asking them to abandon the agitation of a subject, which, unless checked, must endanger the union of the States.

It also becomes my painful duty to call your attention to the occurrence of recent scenes of violence and disorder on our own frontier, which have unfortunately disturbed our friendly relations with a neighboring province. The revolt in the British provinces of Upper and Lower Canada naturally excited the sympathy of our citizens, and aroused that spirit of freedom which has ever characterized the American people. It is to be regretted, however, that these feelings should have led any portion of our citizens into an open disregard of the laws of their own country, into a contempt for national faith, and into a violation of our neutral relations with a foreign power with whom we are at peace.

With the declaration of opinions, or the exhibition of sympathy on the part of our citizens for any people struggling for the rights and privileges which we enjoy, our government has no right to interfere, nor will it, it is believed, ever claim such a right. But our citizens have not rested here. We have unhappily witnessed on our soil, the embodying of an armed force, and the hostile invasion of the dominions of a power with whom the United States are upon the most friendly relations. There is a rank due to the United States amongst the nations of the christian world, which can only be maintained by preserving inviolate her obligations with foreign powers. If the good sense, patriotism, and returning reason of those of our citizens who have been temporarily misled, will not induce them to refrain from the repetition of the scenes we have passed through, the strong arm of the law must protect from blemish the heretofore spotless reputation of our government. In the execution of those laws, it is trusted and hoped, every American citizen will always be found rallying to their support. If otherwise, and the laws of our own adoption are trampled upon with impunity, there is an end to our institutions:—we admit to the civilized world, that the American people are unfit for the privileges of self-government, and afford to the advocates of arbitrary power, the proudest triumph the world has ever witnessed. But I feel that our obligations to abstain from interfering with the domestic institutions of a foreign government, will be fully acknowledged by the people of Michigan; and let me in-

quize of many of those patriotic citizens, who are foremost in enforcing these obligations, if the same are not binding, in our relations with sister States and fellow countrymen.

I have thus, fellow citizens, presented to you such views as have occurred to me, as being worthy of your consideration. The present, in all probability, is the last occasion I shall have of communicating with the representatives of the people of Michigan, and I cannot refrain from an expression of gratitude to the great body of my fellow citizens for the repeated manifestations of favorable regard they have extended to me. Though sensible that my exertions have not met with the success I could have wished, yet I trust they will be considered as having been directed by an earnest desire for the public good. And if my official relations to the people of Michigan, have been attended with any injurious consequences to their interests, I am consoled by the persuasion, that those evils will find their corrective in the patriotism of the legislative branch of the government, and in the wisdom of those who may succeed me. For the present, it only remains for me to give the assurance of my zealous co-operation in the accomplishment of every measure that will add to the happiness or promote the prosperity of our constituents.

STEVENS T. MASON.

January 7, 1839.

On motion of Mr. Gibbs, of Calhoun,

Resolved, That two thousand copies of the message be printed in the English language, and five hundred in the French language, for the use of the members.

Mr. Ormsby, of Washtenaw, laid upon the table the following resolution :

Resolved, That that part of the Governor's message which relates to internal improvements, be referred to committee on internal improvement ;

That part which relates to the state loan, to the committee on finance :

That part which relates to public instruction, to committee on education ;

That part which relates to agriculture, to committee on agriculture ;

That part which relates to the judiciary, to committee on the judiciary ;

That part which relates to banks, to committee on banks and incorporations ;

That part which relates to militia, to committee on militia.

The Speaker announced that he had received a communication from the State Treasurer ; which, on motion of Mr. Livermore, was ordered to be printed, with accompanying documents.

On motion of Mr. Goodwin, of Calhoun,

Ordered, That the Speaker be privileged to appoint a messenger and assistants.

On motion of Mr. Adam, of Lenawee,

Resolved, That a select committee of five be appointed to draft rules and orders for the government of the proceedings of the present House of Representatives, to be submitted to the House for their adoption.

On motion of Mr. Smith, of Lenawee,

Resolved, That the clerk be instructed to cause to be forwarded to each member of the House such newspapers as they may respectively direct, not exceeding the price of two daily papers.

On motion of Mr. Adam, of Lenawee,

Resolved, That the daily sessions of this House will commence at 10 o'clock A. M., until otherwise ordered.

On motion of Mr. Finney, of Kent, the House adjourned.

WEDNESDAY, JANUARY 9.

The House met pursuant to adjournment; the roll being called, the journal of yesterday was read.

The Speaker announced the following standing committees, to wit :

On Ways and Means—Messrs. Mack, Bacon, Seeley, Chase, Renwick, Pond, and L. Allen.

Judiciary—Messrs. Gibbs, Tucker, Adam, Bacon, Finney, Ormsby, and Fitzgerald.

Education—Messrs. Adam, Gibbs, L. Allen, Hooker, Hammond, Chapin, and Eaton.

Internal Improvements—Messrs. Finney, Little, A. Allen, Acker, Fitzgerald, Goodwin, and Livermore.

Agriculture—Messrs. Patterson, Axford, Lowry, Durocher, Newton, Jennings and Davis.

Manufactures—Messrs. Grovier, Howland, Mead, Clark, Saunders, McKee, and Meacham.

Claims—Messrs. Wixom, Copeland, Tackels, King, Decker, Near, and Hammond.

Accounts—Messrs. Brown, Clark, Seeley, Newton, Beaufait, Hooker, and Grovier.

Militia—Messrs. Smith, Mack, King, Little, Howland, Beaufait, and Renwick.

Elections—Messrs. Tucker, Wixom, Sheldon, Mead, Patterson, Shurts, and Tackels.

Banks—Messrs. Fitzgerald, Bacon, Wixom, Little, Hammond, Finney, and Gibbs.

University and School lands—Messrs. Goodwin, Finney, Chase, McKee, Meacham, Davis, and Ormsby.

Organization of towns and counties—Messrs. Ormsby, Jennings, Seeley, Dort, McKee, Acker, and Near.

Expenditures—Messrs. Chapin, L. Allen, Copeland, Chase, Dort, Axford, and Pond.

Printing—Messrs. Livermore, Lowry, Holland, Tucker, Saunders, Durocher, and Shurts.

Enrolment—Messrs. King, Adam, Smith, Brown, Chapin, Gibbs, and Stout.

State Prison.—Messrs. Copeland, Goodwin, Sheldon, Decker, Smith, Newton, and Jennings.

Roads and bridges.—Messrs. Renwick, Beaufait, Axford, Patterson, Levake, Davis, and Mead.

Indian affairs.—Messrs. Levake, Eaton, Tackels, Near, A. Allen, and Hooker.

Unfinished business.—Messrs. Pond, A. Allen, Dort, Clark, Acker, Eaton, and Stout.

Library.—Messrs. Bacon, Mack, and Goodwin.

Mr. Wixom, of Oakland county, presented the petition of Martin Kundig, keeper of the county poor house, of Wayne county, praying for relief, which, on motion of Mr. Wixom, was referred to the committee on the judiciary.

Mr. Mack presented a communication from Elisha Ely, of Allegan county, praying for a seat in the House of Representatives, which, on motion of Mr. Wixom, was referred to the committee on elections, with power to send for persons and papers.

Mr. Wixom, of Oakland county, presented a communication from Rufus Beach, claiming the seat in the House of Representatives, now occupied by John L. Near, which, on motion of Mr. Wixom, was referred to the committee on elections, with power to send for persons and papers.

A message was received from his excellency the Governor, by his private secretary, Mr. Jackson, communicating the report of the Attorney General.

[See Documents, No. 5.]

Mr. Adam, from the committee on rules and orders, made a report, whereupon, on motion of Mr. Adam, the House resolved itself into a committee of the whole, on the rules reported, Mr. Mack in the chair.

After some time spent thereon, the committee of the whole rose, and reported the following rules, which report was adopted.

1. The Speaker shall take the Chair at the time to which the House stands adjourned, and the House shall then be called to order and the roll of the members called.

2. Upon the appearance of a quorum, the minutes of the preceding day shall be read by the Clerk, to the end that any mistake therein may be corrected by the House.

3. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House.

4. The Speaker shall vote on all questions taken by yeas and nays, in all elections, or divisions called for by any member.

5. When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

6. Every member previous to his speaking shall rise from his seat and address himself to the Speaker.

7. When two or more members rise at once, the Speaker shall designate the member who is first to speak.

8. No member shall speak more than twice on the same question without leave of the House, nor more than once until every member who chooses to speak shall have spoken.

9. No motion shall be debated or put, unless the same be seconded; when a motion is seconded, it shall be stated by the Speaker before debate, and every such motion shall be reduced to writing if the Speaker or any member desire it.

10. After a motion is stated by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment.

11. When a question is under debate, no motion shall be received but to adjourn, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend, which several motions shall have precedence in the order they stand arranged.

12. A motion to adjourn shall be always in order; that and the motion to lay on the table, shall be decided without debate.

13. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment, and further debate of the main question.

14. No member shall speak without leave upon the main question, when the previous question shall have been ordered.

15. A motion for commitment, until it is decided, shall preclude all amendment of the main question.

16. Every order, resolution and vote, to which the concurrence of the Senate shall be necessary, shall be read to the House

and laid upon the table on a day preceding that in which the same be moved, unless the House otherwise allow.

17. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place.

18. Every member who shall be present when a question is stated from the Chair, and no other, shall vote for or against the same, unless the House shall excuse him, or unless he be immediately interested in the question, in which case he shall not vote.

19. While the Speaker is putting a question, no member shall walk out of, or across the House, nor when a member is speaking shall any person entertain any private discourse, or pass between him and the Chair.

20. A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case; if there be no appeal, the decision of the Chair shall be submitted to: on an appeal, (except when a member is called to order for offensive language, in which case there shall be no debate,) no member shall speak more than once without leave of the House.

21. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee, and one day's notice at least shall be given of a motion to bring in a bill; unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice.

22. Every bill shall receive three several readings previous to its being passed; and the second and third reading shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole House, unless the House by the vote of two-thirds of the members present shall direct otherwise.

23. No bill shall be committed, or amended, unless it has been twice read.

24. In forming a committee of the whole House, the Speaker shall leave the Chair, and a chairman shall be appointed to preside.

25. Bills committed to a committee of the whole House, shall

first be read through by the Clerk, and then read and debated by clauses, leaving the preamble to be last considered ; all amendments shall be entered on a separate piece of paper, and so reported to the House by the Chairman, standing in his place ; after the report, the bill shall be subject to debate and amendment before the question to engross it be taken.

26. All questions, whether in committee, or in the House, shall be put in the order they were moved ; except in the case of privileged questions, and, that in filling up blanks, the largest sum and the longest time shall be first put.

27. A similar mode of proceeding shall be observed with bills which have originated in, and have passed the Senate, as with bills originating in the House.

28. Upon a division in the House, the names of those who vote for, and those who vote against the question, shall be entered upon the minutes, if any three members require it.

29. In the absence of a quorum, the Speaker may adjourn the House until the next sitting day ; or, if in committee of the whole, the committee may rise and report progress.

30. No motion for re-consideration shall be in order, unless on the same day or day following that on which the decision proposed to be re-considered took place, nor unless one of the majority shall move such re-consideration. A motion for re-consideration being put and lost, shall not be renewed, nor shall any subject be a second time re-considered, without unanimous consent.

31. The rules of the House shall be observed in committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking.

32. A motion that the committee rise, shall always be in order, and shall be decided without debate.

33. The following standing committees shall be appointed at the commencement of each session, unless otherwise ordered :

A committee of Ways and Means.

“ on the Judiciary.

“ Education.

“ Internal Improvement.

“ Agriculture.

“ Manufactures.

A committee on Claims.

- " Accounts.
- " Militia.
- " Elections.
- " Banks and Incorporations.
- " University and school lands.
- " Organization of townships and counties.
- " Expenditures.
- " Printing.
- " Enrolment.
- " State prisons.
- " Roads and bridges.
- " Indian affairs.
- " Unfinished business.

Which several committees shall each consist of seven members.

A committee on the library, to consist of three members.

34. The committee on enrolment shall examine all bills or resolutions originating in this House, which shall have passed both houses, and been enrolled for the signature of the Governor; and, if they find the same correctly enrolled, shall cause the same to be presented to the Governor, and the date of their presentation to be entered on the journal.

35. Select committees to whom reference shall be made, shall, in all cases, report a state of facts, and their opinion thereon, to the House.

36. That in all cases where a bill, order, resolution or motion, shall be entered on the journals of this House, the name of the member moving the same, shall also be entered on the journals.

37. No person, unless introduced by a member, shall be admitted within the bar of the House, but the Executive, members of the Senate, the heads of departments of the State government, judges of the supreme court, members of Congress, and such other persons as the Speaker shall, on application, assign places as stenographers.

38. Every message from the honorable the Senate, communicating any bill for the concurrence of this House, shall, after the second reading of the said bill, be referred to a select or standing com-

mittee (as shall be assigned by the Speaker,) with the accompanying documents, (if any) to consider and report thereon.

39. The Speaker shall cause the clerk of this House to make a list of all bills, resolutions, reports of committees, and other proceedings in this House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day; which list shall be called "the general orders of the day."

40. On the meeting of the House, and reading the journal of the preceding day, the order of business shall be as follows: 1st. Presentation of petitions. 2d. Report of standing committees; reports of select committees. 3d. Messages from the Governor; communications from State officers; messages from the other House. 4th. Motions, resolutions and notices. 5th. Third reading of bills and resolutions. 6th. Unfinished business of the preceding day. 7th. Special orders of the day. 8th. General orders of the day.

41. When the house have proceeded "to the general orders of the day," no other business shall be in order until the House have disposed of the same by laying them upon the table, or by postponing them until the next day.

42. No rule of this house shall be altered or suspended, without the concurrence of two-thirds of the members present.

43. Upon a call of the House, the names of the members shall be called by the clerk, and the absentees noted; but no excuse shall be made until the House be fully called over; then the absentees shall be called over a second time, and if still absent, excuses are to be heard; and if no excuse, or insufficient excuse be made, the absentees may, by order of those present, if there are fifteen members present, be taken into custody wherever to be found, by the sergeant-at-arms or the special messenger or messengers of the house.

44. The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

On motion of Mr. Chapin, of St. Joseph county,

Resolved, That this House now proceed to the election of a recording clerk.

Mr. Wixom announced the name of Charles S. Adams.

Mr. Hammond nominated E. P. Seymour.

The House then proceeded to the election of a recording clerk,
viva voce.

FOR CHARLES S. ADAMS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Bingham, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom. |
| Mr. Durocher, | | |

28

FOR E. P. SEYMOUR.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker. |
| Mr. Hammond, | Mr. Mead, | |

20

The Speaker announced Charles S. Adams as duly elected recording clerk.

On motion of Mr. Mack, of Wayne,

Resolved, That three hundred copies of the Governor's message be printed in the German language, for the use of the members of this House.

On motion of Mr. Livermore, from Oakland,

Resolved, That the several clergymen of this city, in regular standing, be respectfully invited to officiate alternately, as chaplains of this House during its present session.

On motion of Mr. Livermore,

Resolved, That a committee of three be appointed to wait upon the several clergymen, and communicate the preceding resolution.

The Chair announced Messrs. Livermore, Acker and Chapin as said committee.

On motion of Mr. Goodwin, from Calhoun,

Resolved, That the Secretary of State be requested to furnish the members of this House with the Revised Laws, the laws of last session, and such other books and papers as by law they are entitled to.

On motion of Mr. Chapin, of St. Joseph,

Resolved, That the State Librarian be instructed to furnish a catalogue of all the books in the State library, and cause the same to be embraced in the Legislative Manual.

Mr. Goodwin, of Calhoun, offered a series of resolutions, embracing the various subjects contained in the Governor's message, which, on motion of Mr. Adam, of Lenawee county, were referred to a committee of the whole, together with the resolution of Mr. Ormsby, of Washtenaw, on the same subjects, which was laid upon the table yesterday.

The House then resolved itself into a committee of the whole, and after some time spent thereon, reported the following resolutions, which were adopted.

Resolved, That that part of the Governor's message which relates to internal improvements, be referred to a committee on internal improvement ;

That part which relates to the State loan, to a committee on finance ;

That part which relates to public instruction, to a committee on public instruction ;

That part which relates to agriculture, to a committee on agriculture ;

That part which relates to the judiciary, to a committee on the judiciary ;

That part which relates to banks, to a committee on banks and incorporations ;

That part which relates to militia, to a committee on military affairs.

Resolved, That so much of the Governor's message as relates to the administration of criminal law and district attorneys, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the branches of the university and the seventy-two sections of land attached to the salines, be referred to the committee on education.

Resolved, That so much of the Governor's message as relates to expenditures on internal improvements be referred to the committee on internal improvement.

Resolved, That so much of the Governor's message as relates to the abolition of imprisonment for debt, be referred to the committee on the judiciary, with instructions to report thereon at an early day.

Resolved, That so much of the Governor's message as relates to the appointment of commissioners of loans be referred to the committee of ways and means.

Resolved, That so much of the Governor's message as relates to the erection of a penitentiary, and to further appropriations for that purpose, be referred to a committee on the states prison.

Resolved, That so much of the Governor's message as relates to usury laws, and our auction laws, be referred to the committee of ways and means.

Resolved, That so much of the Governor's message as relates to taxes due from counties to the State and a remedy against a recurrence of the same evil, be referred to a special committee of five members.

Resolved, That so much of the Governor's message as relates to the disputed ground, be referred to a select committee of five.

Resolved, That so much of the Governor's message as relates to the abolition of slavery, be referred to a select committee of five.

Resolved, That so much of the Governor's message as relates to disturbances on the frontier, be referred to a committee on the militia.

Mr. Goodwin, from Calhoun, offered the following amendment to that part of the resolution relating to a State loan, which was adopted :

Resolved, That so much of the Governor's message as relates to State loans, be referred to a special committee of seven members, with power to send for persons and papers.

A message was received from the Senate by their Secretary, Mr. At Lee, proposing a joint committee, to be denominated the committee of supplies, which resolution was amended, and the clerk directed to return the same to the Senate.

On motion of Mr. Hammond, of Kalamazoo, the House adjourned.

THURSDAY, JANUARY 10.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Comstock.

The roll being called, the journal of yesterday was read.

Mr. Acker presented a petition of inhabitants of the county of Ingham praying for the organization of township one north of range one east; referred to the committee on towns and counties.

Mr. Lowry presented a petition of inhabitants of Ingham, praying for the organization of town two north, of range two east; referred to the committee on towns and counties.

Mr. Hammond presented a petition from sundry inhabitants of Kalamazoo county, praying for permission to cut a race across university and school lands for Elisha Doan, which was referred to the committee on university and school lands.

Mr. Smith presented a petition from N. P. Hoag, setting forth that he is a purchaser of school lands, praying for relief for the term of payment, which was referred to committee on university and school lands.

Mr. Tucker presented two memorials from the treasurer of the county of St. Clair in relation to the collection of taxes, which were referred to the committee on the judiciary.

Mr. Tucker presented a memorial from the supervisors of the county of St. Clair relative to unpaid road taxes; referred to committee on the judiciary.

Mr. Mack presented a petition of sundry inhabitants, praying for the establishment of a State bank; referred to the committee on banks and incorporations.

Mr. Tucker presented the report of the expenditures on the St.

Clair and Romeo rail road, which was laid on the table and ordered to be printed.

Mr. Dort presented a petition from the township board of the town of Dearborn, respecting the assessment of taxes for said town, which, on motion of Mr. Dort, was referred to a special committee, consisting of Messrs. Dort, Goodwin and Mack.

Mr. Hammond presented sundry petitions respecting the abolition of slavery, which were referred to the special committee on abolition of slavery.

The Speaker announced the following message from His Excellency the Governor :

To the House of Representatives :

I herewith transmit sundry resolutions of the Legislature of Georgia, on the subject of slavery ; and a communication from the Governor of Indiana relative to the St Joseph river.

S. T. MASON.

Detroit, Jan. 9, 1839.

The resolutions of the Legislature of the State of Georgia on the subject of slavery were referred to the special committee on abolition of slavery ; and the communication from the Governor of the State of Indiana to the committee on internal improvements.

The Speaker also announced the following message from His Excellency the Governor :

To the House of Representatives :

I herewith transmit a resolution of the board of Regents of the university of Michigan, asking sundry facilities in transportation from the Legislature on the State rail road.

S. T. MASON.

Detroit, Jan. 10, 1839.

Resolved, That the Legislature be petitioned to grant to the board of Regents the right to transportation of materials for the university buildings of Ann Arbor, upon the central rail road, free of toll, and also the conveyance of the Superintendent of said buildings, and of the Regents, when their business shall necessarily require them to travel said road.

Adopted Jan. 9, by the board of Regents, and referred to the President to be by him transmitted to the Legislature.

Signed,

Z. PITCHER, Sec'y P. T.

The resolution from the board of Regents was referred to the committee on internal improvements.

The report of the State Geologist was announced, and upon the motion of Mr. Little, was referred to a select committee, consisting of Messrs. Little, Goodwin and Finney.

On motion of Mr. Goodwin,

Resolved, That the State Geologist be requested to furnish this House with such information as he may possess in relation to the iron ore and clay on the school section in township five south, and range seven west, in the county of Branch, and whether any further examination, and if so, what expenditure will be necessary in order to ascertain the value of said school section.

On motion of Mr. Goodwin,

Resolved, That this House order eight hundred copies of the documents accompanying the Governor's message, to be printed for the use of the members, in addition to the number already ordered.

On motion of Mr. Adam,

Resolved, That the amendments proposed to the Constitution of the State by the last Legislature be referred to the committee on elections.

On motion of Mr. Fitzgerald,

Resolved, That the committee on expenditures be authorized to procure for the use of the members of the House, a necessary supply of stationery.

On motion of Mr. Adam,

Resolved, That so much of the Governor's message as relates to the geological survey of the State, be referred to a select committee of five members.

The Speaker announced Messrs. Adam, Bacon, Livermore, Chapin and Copeland as said committee.

On motion of Mr. Dort,

Resolved, That a select committee of five members, be appointed to examine the revised statutes of the State of Michigan, and report what laws in their opinion need further revision.

The Speaker announced Messrs. Dort, Goodwin, Tucker, Hammond and Gibbs as said committee.

On motion of Mr. Gibbs,

Resolved, That so much of the Governor's message as relates to the university and school lands, the loans of moneys for which they have been sold, and the appointment of an assistant to the Superintendent of Public Instruction, be referred to the committee on the university and school lands.

On motion of Mr. A. Allen,

Resolved, That the committee on printing be authorized to cause to be printed one hundred copies of the charter of the State Bank of Indiana and the same number of the charter of the State Bank of Tennessee, for the use of the members of this House.

[*See Document 8, page 136, of House Documents.*]

On motion of Mr. Shurts,

Resolved, That the Clerk of the House furnish the fiscal agent of this Legislature the names of the members and officers of this House, with the distance of their residence from the seat of government.

Mr. Ormsby offered the following resolution :

Resolved, That the committee on banks and incorporations be, and they are hereby instructed to report a bill for the organization of a State bank, as soon as practicable.

Mr. Wixom offered the following amendment, which, together with the resolution, was laid upon the table :

Resolved, That the committee on banks and incorporations be instructed to report a bill for a State bank under the control of the people.

Mr. Goodwin submitted the following preamble and resolution, which were adopted :

Whereas, By the existing laws of this State the year for the payment of specific State taxes by merchants and others, commences on the first day of May and ends on the last day of April; and whereas the licensing power is vested in the township boards of the several townships, in the Mayor, Recorder and Aldermen of each incorporated city, and in the President and Trustees of each incorporated village, who are required to licence from the time of the application to the last day of December following, and whereas the conjoint action of the two laws is necessary in

granting tavern licences ; and whereas such action is inconsistent and impossible ; Therefore,

Resolved, That the committee on the judiciary be instructed to report to this House such amendments as will render the provisions relating to tavern licences, consistent with each other.

Mr. Chapin offered the following resolution, which was read and laid upon the table :

Resolved, (the Senate concurring herein) That the Clerk of the House and the Secretary of the Senate be required to procure for the use of the House and Senate, a manual embracing all the appropriate subjects that were embraced in the manual of the last Legislature, in connexion with a catalogue of books in the State library, and to have the same bound in the usual form, and deliver a copy thereof to each member and officer of the House and Senate.

On motion of Mr. Fitzgerald, two members was added to the committee on banks and incorporations.

The Speaker announced as such additional members, Messrs Ormsby and Mack.

Mr. M'Kee offered the following resolution, which was read and laid upon the table :

Resolved, That the Secretary of State be authorized to procure suitable seals for the use of the several county clerks who are destitute of seals.

The Speaker announced the following special committees on the Governor's message :

Abolition of Slavery—Messrs. Brown, Axford, A. Allen, Hooker, and Renwick.

Disputed Ground—Messrs. Durocher, Adam, Little, Stout, and Jennings.

Taxes, &c.—Messrs. Wixom, L. Allen, Chase, Saunders, and Clark.

State loan with power to send for persons and papers—Messrs. Bacon, Renwick, Hammond, Stout, Goodwin, Near, and Livermore.

The message of the Governor with the report of the Attorney General were ordered to be printed.

[See Documents No. 1 & 5.]

And the House adjourned.

FRIDAY, JANUARY 11.

The House met pursuant to adjournment. The roll being called, the journal of yesterday was read.

Prayer by the Rev. Mr. Comstock.

Mr. Gibbs presented a petition of certain inhabitants of the counties of Jackson and Calhoun, for a State road, which was referred to the committee on roads and bridges.

Mr. Jennings presented a petition of the inhabitants of the townships of Alacedon and Aurelius, for legalizing the proceedings at their township meetings, which was referred to the committee on the judiciary.

Mr. M'Kee presented the petition of John Palmer and others, for the organization of towns 7 and 8 north, range 1 east; referred to committee on towns and counties.

Mr. Mack presented a petition of the commissioners of the county of Wayne, for the removal of the county poor house; referred to a select committee, consisting of Messrs. Mack, Saunders and Eaton.

Mr. M'Kee presented the petition of H. B. Hent and others, relative to the assessment of taxes in the town of Antrim, in the county of Shiawassee; referred to the committee on the judiciary.

Mr. Seeley presented a petition from the inhabitants of Hillsdale and Lenawee for turning part of the water of the branch of the St. Joseph into Lime Lake; referred to the committee on the judiciary.

On motion of Mr. Eaton,

Resolved, That the committee on expenditures be authorized to employ some suitable person to repair the locks to the several drawers of the writing tables in this house.

Mr. Hammond gave notice that at some future day he should ask leave to bring in a bill entitled an act to amend "An act incorporating the village of Kalamazoo," approved April 3, 1838.

On motion of Mr. Eaton,

Resolved, That the committee to whom was referred the petition of Martin Kundig be authorized and required to send for persons and papers in relation thereto.

On motion of Mr. Adam,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety or necessity of some legislative enactment, prohibiting the county commissioners or other authorities of any county from issuing in any one year, an amount of county orders or warrants exceeding one half or two-thirds or other definite ratio of the taxes assessed for that year, for county purposes.

On motion of Mr. Durocher,

Resolved, That J. B. Vallee be appointed to translate the message of the Executive into the French language.

On motion of Mr. Livermore,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law as to allow the directors of such districts as have not made their reports further time in which to make their reports, in order to entitle such district to a share of the public money.

On motion of Mr. Mack,

Resolved, That Louis Causalie be appointed to translate the Governor's message into the German language.

Mr. Fitzgerald gave notice that he would, early during the present session, introduce a bill for the relief of the settlers on the university lands.

Mr. Adam gave notice that at a future day he would ask leave to introduce a bill relative to the annual reports of certain State officers.

Mr. Livermore, from a special committee appointed for that purpose, reported that,

The committee appointed by the Chair in accordance to a resolution of this House, to wait upon the clergy of this city, have discharged that duty, and received for answer in substance that they will with pleasure accede to the wishes of this body.

On motion of Mr. Fitzgerald, the resolution of Mr. Ormsby, laid upon the table yesterday, together with the amendment of Mr. Wixom, was taken up, when Mr. Wixom withdrew the amendment, and

On motion of Mr. Fitzgerald, the yeas and nays were taken upon the passage of the resolution in the following form :

Resolved, That the committee on banks and incorporations, be, and they are hereby instructed to report a bill for the organization of a State bank, as soon as practicable.

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. Axford, | Mr. Hammond, | Mr. Pond, |
| Mr. Bacon, | Mr. Howland, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Saunders, |
| Mr. Brown, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Shurts, |
| Mr. Clark, | Mr. Mack, | Mr. Smith, |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, |
| Mr. Dort, | Mr. Mead, | Mr. Tucker, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |

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NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Gibbs, | Mr. Speaker, | Mr. Tackels, |
| Mr. Goodwin, | | |

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Mr. Fitzgerald then moved a re-consideration, for the purpose of affording Mr. Goodwin an opportunity to explain the reasons why the delegation from Calhoun voted against the adoption of the resolution; and the same having been re-considered, and debates had thereupon, Mr. Ormsby asked for, and obtained leave to withdraw the resolution.

A message was received from the Senate by their Secretary, Mr. At Lee, announcing the concurrence of the Senate in the amendment relative to the joint resolution in relation to the committee on supplies; whereupon the Speaker announced Messrs. Chapin, L. Allen and Chase as the committee on the part of the House.

Also, the following joint resolution from the Senate; whereupon, on motion of Mr. Fitzgerald, the rule was suspended, and the resolution adopted:

Resolved, That by, and with the assent of the House of Representatives, the joint rules of the Senate and House of Representatives of the State of Michigan, established and pursued at the last session of the Legislature, be adopted and pursued until the said Senate and House of Representatives shall otherwise direct.

Also, the following joint resolution from the Senate, was laid upon the table :

Resolved, That a joint committee be appointed, consisting of two from the Senate, and three from the House, to inquire of the Commissioners of internal improvement in reference to the disposition made by them of the improvement fund ; if any moneys have been loaned out by them ; what sums have been loaned out, to what individuals, and with what security.

Mr. Fitzgerald laid upon the table the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed and our Representative requested to use their best exertions to obtain suitable appropriations for constructing a harbor at New Buffalo, at the mouth of Kalamazoo and Grand river, and for completing the harbor at St Joseph, and also to procure a special examination of the accounts of the superintendent of the harbor at St. Joseph, and of the manner in which the funds entrusted to his charge have been managed and expended.

Resolved, That the Secretary of State transmit a copy of the above resolution to each of our Senators and Representative, also to the Secretary of War and the chief of the engineer department.

And the House adjourned.

SATURDAY, JANUARY 12.

The House met pursuant to adjournment, and the roll being called, the journal of yesterday was read.

Prayer by the Rev. Mr. Comstock.

PETITIONS.

Mr. Finney presented the petition of Amos Norton and others, praying for the organization of a town in Ottawa county; referred to the committee on towns and counties.

Mr. Eaton presented a petition from sundry inhabitants of the counties of Washtenaw and Wayne, praying to change the name of Michigan city, in said counties, to Raisinville; referred to the committee on towns and counties.

Mr. Gibbs presented two several petitions of inhabitants of the counties of Jackson and Calhoun, praying for the establishment of a State road; referred to committee on roads and bridges.

Mr. Gibbs presented a petition of certain inhabitants of Calhoun county, praying for the organization of a township in said county, which was referred to a committee on towns and counties.

Mr. Stout presented a petition of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, in relation to the assessment of taxes, which was referred to the committee on the judiciary.

The Speaker presented the petition of William H. Dean and others, praying for the passage of a law making judgments in justices' courts a lien on real estate under certain restrictions; referred to the committee on the judiciary.

The Speaker presented the petition of William H. Dean and others, for an alteration of the law in relation to chattel mortgages; referred to the committee on the judiciary.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, reported a bill to provide for the assessment and collection of taxes for the year 1888, and for other purposes,

Which, on motion of Mr. Gibbs, was referred to the committee of the whole, and ordered to be printed.

Mr. Little, from the select committee on the report of the State

Geologist, made a report, which was laid on the table; and reported a bill making appropriations for the improvement of the salt springs,

Which, on motion of Mr. Adam, was referred to the committee of the whole, and ordered to be printed with the report.

Mr. Dort, from the select committee, to whom was referred the petition of the township board of the town of Dearborn, reported a bill to authorize the county commissioners of Wayne county to perform certain duties therein mentioned,

Which, on motion of Mr. Adam, was referred to the committee on the judiciary.

RESOLUTIONS.

On motion of Mr. Renwick,

Resolved, That the committee on the judiciary be instructed to inquire into the necessity and expediency of making further and more explicit provision for the payment of jurors in the justices' courts of this State, and report by bill or otherwise.

On motion of Mr. Renwick,

Resolved, That the committee on education be instructed to inquire whether any, and if so, what act is necessary, to render clear and explicit that part of the primary school law which relates to the power of inspectors, in the establishment of school districts, and that portion of the law which prescribes the mode for the assessment and collection of taxes in the several school districts, and report by bill or otherwise.

Mr. Ormsby offered the following preamble and resolution, which was adopted:

Whereas, the recent change in our system of collection laws, and the practice of our courts of record under them, is producing extensive and burthensome embarrassments to the people,

Resolved, That the committee on the judiciary be and they are hereby instructed to report a bill to abolish the practice of commencing suit by service with declaration, or if such service shall be allowed, that judgment shall not be taken at the term succeeding such service; also to provide for holding no more than two terms of the circuit court in any county in any one year, for testing or return of civil process.

On motion of Mr. Fitzgerald,

Resolved, That the judiciary committee be requested to inquire into the expediency of making further provision by law, for protecting the public revenue and other public funds of this State, against fraud or defalcation on the part of public officers, and other persons entrusted with its collection, safe keeping or disbursement, and that they report by bill or otherwise.

Mr. Ormsby laid upon the table the following resolution :

Resolved, (if the Hon. Senate concur herein,) that a joint committee of two from the Senate and three from the House, be appointed to inquire in what respects, if any, and to what extent, the officers of the banks of Washtenaw and Clinton have been guilty of a violation of their charters, and report by bill or otherwise ; the committee to be vested with power to send for persons and papers.

Mr. Near offered the following resolution, which, on motion of Mr. Fitzgerald, was laid upon the table.

Resolved, That the Librarian be instructed to keep an account of all the stationery that each member may take, and that the amount be published at the end of the session, opposite each member's name.

Mr. Fitzgerald offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill to abolish imprisonment for debt and to punish fraudulent debtors.

The yeas and nays being called for, on motion of Mr. Fitzgerald, the resolution was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Bacon, | Mr. Grovier, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Renwick, |
| Mr. Brown, | Mr. Howland, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Jennings, | Mr. Shurts, |

| | | |
|---------------|----------------|--------------|
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Meacham, | Mr. Wixom, |
| Mr. Eaton, | Mr. Mead, | |

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NAYS.

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Mr. Adam offered the following resolution :

Resolved, That the committee on banks and incorporations be instructed to inquire into the propriety of a repeal, or further suspension, or amendment, of the general banking law of this State, and the act or acts amendatory thereto, with leave to report by bill or otherwise.

The yeas and nays being called for, the resolution was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Finney, | Mr. Near, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Bacon, | Mr. Grovier, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Renwick, |
| Mr. Brown, | Mr. Howland, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Jennings, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Meacham, | Mr. Wixom, |

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NAYS.

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NOTICES.

Mr. Little gave notice that on some future day he should ask leave to bring in a bill for the incorporation of a company to be styled the Genesee and Saginaw Navigation Company, with a capital of one hundred thousand dollars, for the purpose of improving the navigation of the Flint river, and connecting the same with the Cass river by canal.

Mr. Acker gave notice that at some future day he should ask leave to bring in a bill for the purpose of registering the votes of this State.

Mr. Chapin gave notice that at some future day he should ask leave to bring in a bill entitled an act to amend "An act incorporating the village of White Pigeon," approved March 3, 1837.

Mr. Dort asked for and obtained leave of absence for Mr. Saunders, until Monday next.

On motion of Mr. Renwick, the House adjourned.

MONDAY, JANUARY 14.

The House met pursuant to adjournment. The roll being called, the journal of Saturday was read.

Prayer by the Rev. Mr. Comstock.

PETITIONS.

Mr. Acker presented the petition of P. P. Acker and others, for improving the navigation of the St. Joseph river, and the construction of a canal, in continuation, to Homer, Calhoun county; referred to committee on internal improvement.

Mr. Goodwin presented the petition of Hiram Smith and others upon the same subject; like reference.

Mr. Fitzgerald presented a petition from the president and trustees of the common council of the village of Niles, praying for an alteration in their charter, which, on motion of Mr. Fitzgerald, was referred to a select committee, consisting of Messrs. Fitzgerald, Chapin and McKee.

Mr. Bacon presented the petition of citizens of Monroe county, praying for an appropriation on the State road leading from Mon-

roe to Dearbornville, in Wayne county; referred to committee on ways and means.

Mr. Bacon presented the memorial of Lewis E. Baily, praying compensation for the loss of a horse in sustaining the supremacy of the laws upon the disputed ground; referred to committee on claims.

Mr. Dort presented five several petitions from Leonard G. Harrison, Aaron Thomas, Charles Harrison, William Clay and John Flinn, severally praying for indemnification of damages done by the location of the central railroad, and by the cars running on said road; referred to the committee on claims.

Mr. Meacham presented a memorial from the judge of probate of Cass county, praying that a law may be passed, authorizing said court to complete the records of said court; referred to committee on the judiciary.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, to whom was referred a bill from the select committee, authorizing the supervisors of Wayne county to perform certain duties therein mentioned, reported in favor of the passage of said bill; referred to the committee of the whole and ordered to be printed.

Mr. Finney, from the committee on internal improvement, to whom was referred the resolution of the board of Regents, petitioning for the transportation of materials for the university buildings, &c. upon the central railroad, free of toll, reported adverse to the prayer of the petitioners; which report, on motion of Mr. Fitzgerald, was referred to the committee on university and school lands.

Mr. Hammond, pursuant to previous notice, introduced a preamble and bill to amend an act incorporating the village of Kalamazoo; which, on motion of Mr. Wixom, was referred to committee on banks and incorporations.

Mr. Adam, from the committee on education, reported a bill to extend the time for receiving the annual reports from certain school districts, which was referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Tucker,

Resolved, That the committee on militia be requested to report

to this House, as soon as convenient, a more summary mode for the collection of fines than now exists under our militia law.

On motion of Mr. Bacon,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of extending the act entitled "An act granting to Hosmer Graham the right to keep and maintain a ferry across the Detroit river," approved March 14, 1838.

On motion of Mr. Bacon, the rule having been suspended,

Resolved, (the Honorable the Senate concurring,) That the select committees of the Senate and House of Representatives upon the subject of the 5,000,000 loan, be a joint committee, for the purposes and with the powers as conferred upon said committees by the respective resolutions under which the said committees were appointed.

On motion of Mr. Acker,

Resolved, That the judiciary committee be instructed to enquire and report to this House, whether in their opinion a library not exceeding in value dollars should be included with the articles now exempt by law from execution.

NOTICES.

Mr. Sheldon gave notice that he should on some future day, ask leave to introduce a bill entitled "An act to repeal an act to provide for the appointment of State printer, and prescribe his powers and duties."

Mr. Livermore gave notice, that on some future day he should ask leave to bring in a bill to incorporate the village of Rochester.

Mr. Ormsby called up for consideration the following joint resolution, which was adopted:

Resolved, (if the honorable the Senate concur herein,) That a joint committee of two from the Senate and three from the House be appointed to enquire in what respects (if any) and to what extent, the officers of the banks of Washtenaw and Clinton have been guilty of a violation of their charters, and report by bill or otherwise. The committee to be vested with power to send for persons and papers.

On motion of Mr. Adam, the House went into committee of the whole on the bill to extend time for receiving the annual reports from certain school districts, Mr. Wixom in the chair.

After some time spent thereon, the committee rose and reported, and being read in the House the third time and debates being had thereupon, Mr. Wixom moved to strike out all after the enacting clause, and the yeas and nays being called for, the motion prevailed by the following vote :

YEAS.

| | | |
|-----------------|--------------|----------------|
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pond, |
| Mr. Brown, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Lowry, | Mr. Smith, |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, |
| Mr. Decker, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, |
| Mr. Fitzgerald, | Mr. Near, | Mr. Wixom, |

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NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Sheldon, |
| Me. Copeland, | Mr. Little, | Mr. Tucker, |
| Mr. Dort, | Mr. Livermore, | |

20.

Mr. Adam moved that the bill be recommitted to the committee on education, with instructions to provide for the distribution of the interest on the school fund yet due, amongst the several school districts, from which the annual reports have not been heretofore received, and from which reports shall be made to the township boards of school inspectors on or before the day of next, which motion prevailed and the bill was re-committed.

On motion of Mr. Axford, the House adjourned.

TUESDAY, JANUARY 15.

The House met pursuant to adjournment ; the roll being called, all the members were present except Messrs. Brown, Fitzgerald and Levake.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read.

PETITIONS.

Mr. Mack presented the petition of the forwarding merchants of the city of Detroit, relative to unclaimed goods in their possession, praying that a law may be passed authorizing the sale of the same after a given time ; which, on motion of Mr. Mack, was referred to a select committee consisting of Messrs. Mack, Newton and Bacon.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, to whom was referred the petition of Samuel Cowan and others, to divert the waters of the St. Joseph river into Lime Lake for mill privilege, reported adversely to the prayer of the petitioners ; and the petitioners were granted leave to withdraw the same.

Mr. Gibbs, from the same committee, reported the following entitled bills, which were referred to the committee of the whole and ordered to be printed.

A bill to legalize the official acts of the assessors of the township of Antrim.

A bill to legalize the township elections of the townships of Alaciedon and Aurelius.

A bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego.

Mr. Adam, from the committee on education, to whom was re-committed the bill to extend the time for receiving the annual reports from certain school districts, reported the same with amendments, and on motion of Mr. Adam, the report was referred to the committee of the whole.

Mr. Tucker, from the committee on elections, to whom was referred the petition of Rufus Beach, claiming a seat in the House in the place of Mr. Near, reported a request on the part of Mr. Beach to withdraw his petition, and leave was granted.

Mr. Goodwin, from the committee on university and school lands, to whom was referred the report of the committee of internal improvement on the petition of the board of Regents, reported a bill for the payment of the expenses of the Regents of the university, in certain cases, which was referred to the committee of the whole and ordered to be printed.

Mr. Mack, from the select committee, to whom was referred the petition of the commissioners of the county of Wayne, reported a bill authorizing the county commissioners of Wayne to dispose of the county poor house and for other purposes, which report, on motion of Mr. Mack, was referred to the committee of the whole and made the special order of the day to-morrow.

MOTIONS AND RESOLUTIONS.

Mr. Axford laid upon the table the following resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed and our Representative requested, to use their best exertions to obtain a suitable appropriation for removing the bar at the mouth of the river Clinton.

Resolved, That the Secretary of State transmit a copy of the above resolution to each of our Senators and Representative, also to the Secretary of War, and the chief of the Engineer department.

On motion of Mr. Goodwin,

Resolved, That the Secretary of State be requested to inform this House what saline lands have been located and confirmed for the State, and what have been located and not confirmed ; and also whether the whole of the five sections granted to the State for the erection of public buildings have been located and confirmed.

On motion of Mr. Goodwin,

Resolved, That the committee on the judiciary be instructed to report to this House the expediency of authorizing and requiring the Judges of the supreme court, to establish uniform rules for the practice of the courts of probate, at as early a day as may be practicable, with power to revise and amend the same as may be necessary, at the same time repealing the existing law in relation to such rules.

On motion of Mr. Chapin, (the rule suspended.)

Resolved, by the Senate and House of Representatives of the State of Michigan, That John Norton, Junior, cashier of the Michigan State Bank, be and he is hereby appointed fiscal agent of this Legislature.

On motion of Mr. Shurts,

Resolved, That the committee on banks and incorporations be instructed to enquire into the expediency of suppressing all bank notes under the denomination of five dollars, and to report by bill or otherwise.

On motion of Mr. Smith,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing capital punishment.

On motion of Mr. Chase,

Resolved, That the committee on the judiciary be instructed to inquire whether, and if so, what legislation is necessary in procuring the depositions or compelling the attendance of witnesses before courts of justice, and report by bill or otherwise.

NOTICES.

Mr. Wixom gave notice that at some future day he would ask leave to introduce a bill for the incorporation of a company to be styled the Detroit and Huron river canal company, with a capital of two hundred and fifty thousand dollars for the purpose of constructing a canal from the city of Detroit to the Huron river at or near the village of Milford, in the county of Oakland.

A message was received from the Senate, by their Secretary, Mr. At Lee, asking concurrence in the following resolutions :

JOINT RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Representative in Congress be requested, and our Senators be instructed, to endeavor to procure an appropriation by Congress for the purpose of constructing a harbor at the mouth of north Black river in this State.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be requested to furnish the tables of the two houses with Blois' Gazetteer of Michigan.

UNFINISHED BUSINESS.

On motion of Mr. Little, the House went into committee of the whole, on the bill making appropriations for the improvement of the salt springs, Mr. King in the chair.

After some time spent thereon, the committee rose and reported the bill with amendments, which amendments were concurred in by the House, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Gibbs, the House went into committee of the whole on the bill to provide for the assessment and collection of taxes, Mr. Pond in the chair.

After some time spent thereon, the committee rose and reported the bill with amendments, which amendments were concurred in by the House, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Dort, the House went into committee of the whole on the bill to authorize the county commissioners of Wayne county, to perform certain duties therein mentioned, Mr. Renwick in the chair.

After some time spent thereon, the committee rose and reported with amendments, which amendments were concurred in by the House, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Adam, the House went into committee of the whole on the bill to extend the time for receiving the annual reports from certain school districts, Mr. Wixom in the chair.

After some time spent thereon, the committee rose and reported progress and asked for, and obtained leave to sit again, and the bill was ordered to be printed.

Mr. Goodwin asked for and obtained leave of absence for Mr. Gibbs until Tuesday next.

Mr. Mack presented an account from the jailer of the county of Wayne, which was referred to the committee on claims.

On motion of Mr. Smith, the house adjourned.

WEDNESDAY, JANUARY 16.

The House met pursuant to adjournment. The roll being called, there were absent, Messrs. Gibbs and Levaque.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read.

PETITIONS.

Mr. Near presented the petition of the directors of the Gibraltar and Flat Rock company, for an increase of capital, and aid in the construction of their canal; referred to committee on banks and incorporations.

Mr. Acker presented the petition of Elisha Demming and others, for improvement of St. Joseph river; referred to committee on internal improvement.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred the report of a preamble and bill to amend an act incorporating the village of Kalamazoo, reported the same back to the House without amendment, and the same was laid upon the table.

Mr. Goodwin, from the committee on university and school lands, to whom was referred the petitions of sundry citizens of Kalamazoo county, praying permission to cut a race across university and school lands, reported adverse to the prayer of the petitioners, and leave was granted to withdraw the same.

Mr. Bacon, from the committee on the judiciary, reported back to the House the resolution respecting tavern licenses, and on his motion the same was referred to the committee on ways and means.

Mr. Fitzgerald, from the special committee on the petition of president and trustees of the village of Niles, reported a bill to incorporate the village of Niles, which was referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Wixom laid the following resolution on the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress be, and they are hereby requested, to use their exer-

tions to obtain at the present session of Congress, an appropriation of money to be laid out and expended in continuing the Grand river road, in said state.

On motion of Mr. Livermore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the laws for the collection of debts before justices of the peace, that the costs taxable shall not exceed dollars, and report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of extending pecuniary aid, in the shape of premiums, to the various agricultural interests of this State, and that they report by bill or otherwise.

On motion of Mr. Shurts,

Resolved, That the committee on the militia be instructed to inquire into the expediency of revising the militia code of laws, and if so, to report accordingly.

On motion of Mr. Renwick,

Resolved, That no bill shall be taken up in committee of the whole house and action had thereon, unless such bill shall have been first printed and placed upon the tables of the several members of the House, at least one day previous to such contemplated action by the committee, unless otherwise ordered by the House.

Mr. Fitzgerald laid the following joint resolution on the table.

A Joint Resolution relating to the salary of the United States District Judge.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representative requested, to use their best exertions to procure an increase of the salary of the United States district Judge for this district, and that each of them be furnished with a copy of this resolution.

Mr. Goodwin offered the following preamble and resolution, which was adopted.

Whereas, sundry individuals in the county of St. Joseph and elsewhere, have issued a large amount of notes purporting to be

bank bills of the Merchants' bank of St. Joseph; commonly called the "*Red Dog*" bills;

And whereas, it is well ascertained that the institution purporting to issue such bills, has no corporate or legal existence;

And whereas, it is also known that said association has property which is held for the benefit of said individuals, whilst many of the bills are held by individuals unredeemed and worthless; therefore,

Resolved, That the committee on the judiciary inquire and report to this House by bill or otherwise, whether there may not be such legislation had in the premises that the property belonging to said association may be sold for the redemption of said bills.

On motion of Mr. Renwick,

Resolved, That the committee on the judiciary inquire into the expediency of authorizing by law, the county commissioners of the several counties to increase the poor house farm, whenever in their opinion the same becomes necessary, to an extent not exceeding in all three hundred and twenty acres.

On motion of Mr. Chapin,

Resolved, That the committee on university and school lands be requested to inquire into the expediency of reducing the prices of university and school lands, and report by bill or otherwise.

Mr. Dort laid the following resolution on the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representative be requested, to use their endeavors to procure an appropriation for the purpose of laying out and making a turnpike road, leading from Monroe in Monroe county, to Dearbornville, Wayne county.

NOTICES.

Mr. Little gave notice that on some future day he should ask leave to bring in a bill for the division of the county of Sanilac.

Mr. Dort gave notice that at some future day he should ask leave to bring in a bill to create the distinction of State paupers, and to provide for their support.

SPECIAL ORDER OF THE DAY.

The Speaker announced a bill authorizing the county commis-

sioners of Wayne county to dispose of the county poor house and for other purposes.

On motion of Mr. Mack, the special order was dispensed with, and the bill and report ordered to be printed.

UNFINISHED BUSINESS.

Mr. Ormsby called up the joint resolution, laying upon the table, from the Senate, in relation to the construction of a harbor at the mouth of north Black river, which, on motion of Mr. King, was so amended as to read "also for the construction of piers and beacon light at the harbor of Michilimackinac," and the same was referred to the committee of the whole.

On motion of Mr. Wixom, the rule being suspended, the resolution offered by him in relation to the Grand river road was referred to the same committee.

Mr. Adam called up the joint resolution laying upon the table, from the Senate, in relation to Blois' Gazetteer, which, on motion of Mr. Adam, was amended so as to read "the expenses of which are not to exceed \$1 50 per copy," and the resolution was adopted.

On motion of Mr. Little, the bill making appropriations for the State salt springs, was taken up, and being read a third time, the bill passed.

On motion of Mr. Dort, the bill to authorize the county commissioners of Wayne county to perform certain duties, was taken up, and being read a third time, the bill passed.

On motion of Mr. Goodwin, the bill to provide for the assessment and collection of taxes for 1838, and other purposes, was taken up, amended, laid upon the table and ordered to be re-printed.

The Speaker announced the annual report of the board of internal improvements, which was laid upon the table and 1,000 copies ordered to be printed.

On motion of Mr. Lowry, the House adjourned.

THURSDAY, JANUARY 17.

The House met pursuant to adjournment; the roll being called there were absent Mr. Gibbs on leave, and Messrs. Durocher, Hooker, Ormsby, Patterson and Smith.

Prayer by Bishop McCoskry.

The journal of yesterday was read.

PETITIONS.

By Mr. Bacon. Of the common council of the city of Monroeville, praying for certain amendments to the act incorporating that city; referred to the committee on banks and incorporations.

By Mr. Mack. Of the members of the bar of Wayne county, praying for an increase of the number of masters in chancery in Wayne county; referred to the committee on the judiciary.

By Mr. Fitzgerald. Sundry petitions, from the citizens of Berrien county, in behalf of certain settlers on lands belonging to the State, together with accompanying affidavits; referred to a special committee, consisting of Messrs. Fitzgerald, Bacon, Finney, Chapin and Newton.

By Mr. Eaton. Of the county of Wayne, for use of basement of capitol for county officers of Wayne county; referred to committee on the judiciary.

REPORTS.

Mr. Tucker, from the committee on elections, to whom was referred the communication of Elisha Ely, Esq., claiming a seat in the House, from the county of Allegan, reported on the part of the minority of the committee, adverse to the claim of the petitioner.

Mr. Wixom, from the same committee, and upon the same claim reported on the part of the majority favorable to the claim of the petitioner,

And on motion of Mr. Goodwin, both reports, with accompanying documents, were made the special order of the day for Monday next and ordered to be printed.

On motion of Mr. Fitzgerald,

Resolved, That the Hon. Elisha Ely, be permitted to a seat in this House with the privileges of a member except that of voting, until the question in regard to his claim be settled by this House,

MOTIONS AND RESOLUTIONS.

The following preamble and resolution, was offered by Mr. Hammond, and adopted.

Whereas, by the revised statutes part 1st, title 7, chapter 8, the commissioners of each county are required to obtain for the use of their counties respectively a complete set of weights and measures, graduated according to the standard furnished by the United States in the office of the Treasurer of State within a specified time, and whereas said standard of weights and measures have not yet arrived at the office of the Treasurer of State ; therefore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of extending the time for procuring such standard weights and measures, and making it the duty of the Treasurer of State, to procure one set of such weights and measures, for each county, and report by bill or otherwise.

On motion of Mr. Hammond,

Resolved, That the committee on the judiciary be instructed, to bring in a bill, so amending the act of the last Legislature, entitled "An act to impose certain duties on the several county commissioners and for other purposes," approved March 20th 1838, making it consistent with the revised statutes upon that subject.

On motion of Mr. Eaton,

Resolved, That the committee on claims, be instructed to report a bill, to authorize the board of commissioners of internal improvement, to cancel all claims of persons who have sustained damages by the construction of the central railroad, and all damages done individuals property by the cars on the said road.

On motion of Mr. Finney,

Resolved, That the Executive of the State be, and he is hereby requested, to communicate to this House, any intelligence in his possession, relating to the confirmation of lands north of Grand river, selected by the State agent, for university and other purposes.

Mr. Little laid the following joint resolution on the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress be, and they are hereby requested, to use their exer-

tions to obtain at the present session of Congress, an appropriation of money, to be laid out and expended in continuing the road leading from Detroit to Michilimackinac, in said State.

On motion of Mr. McKee,

Resolved, That the committee on towns and counties, be instructed to report a bill for the organization of the county of Clinton.

On motion of Mr. Adam,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of amending the revised statutes, so as to authorize and make valid a conveyance of unimproved lands, by a husband without the conjoint signature of the wife, and limiting the right of dower to improved lands, of which the husband shall die seized and possessed.

NOTICES AND LEAVE OF ABSENCE.

Mr. Saunders gave notice, that at some future day he should ask leave to bring in a bill to provide for the collection of unpaid taxes, in the year 1837, in the township of Monguagon, Wayne county.

Mr. Hammond asked for and obtained leave of absence for Mr. Ormsby until Monday.

Mr. Renwick, for Mr. Mead, the same.

Mr. Dort, for Messrs. Eaton and Sheldon, the same.

The Speaker announced a communication from his excellency the Governor, transmitting a report of John Mullet, commissioner under a joint resolution of the Legislature of 1838, relative to the relocation of State lands on the Grand river, which was laid upon the table and ordered to be printed.

The Speaker announced a message from the Senate, by their secretary, Mr. At Lee, announcing their concurrence in the resolution in relation to joint committees to investigate the negotiation of the \$5,000,000 State loan.

Also for concurrence, the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Attorney General of the State be requested to inquire and to furnish to the Legislature his opinion, as to the corporate existence of an institution purporting to be the

Farmers' and Merchants' bank of St. Joseph, at Centerville, whether such institution is amenable to the provisions of the general banking law of the State, and whether any further legislation, and what further legislation, is needed to afford a proper remedy to the bill holders and creditors of said institution.

Also, a bill to amend part 3, title 1, chapter 3, revised statutes, which was referred to the committee on the judiciary.

On motion of Mr. McKee, the House then resolved itself into committee of the whole, on the bill to legalize the official acts of the assessors of the township of Antrim, Mr. Adam in the chair.

After some time spent thereon, the committee rose and reported the bill without amendment, and on motion of Mr. McKee, the rule was suspended, and the bill read a third time and passed.

On motion of Mr. Stout, the House resolved itself into committee of the whole, on the bill to legalize certain acts of the supervisors of the township of Allegan, Plainfield and Otsego, in the county of Allegan, Mr. Brown in the chair.

After some time spent thereon, the committee rose and reported without amendments, and the bill was laid upon the table.

On motion of Mr. Livermore, the House resolved itself into committee of the whole, on the bill to extend the time for receiving the annual reports from certain school districts, Mr. Wixom in the chair.

After some time spent thereon, the committee rose and reported, and after the consideration of amendments thereto, the bill was laid upon the table.

On motion of Mr. Chapin, the House adjourned.

FRIDAY, JANUARY 18.

The House met pursuant to adjournment, and the roll being called, when Messrs. Eaton, Gibbs, Mead, Ormsby and Sheldon, were absent on leave, and Messrs. Davis, Decker, Near and Smith.

Prayer by Bishop McCoskry.

Journal of yesterday read.

PETITIONS.

By Mr. McKee. Of C. C. Haskel and others, for vacating a part of the plat of the village of Flint; referred to select committee, consisting of Messrs. McKee, Seeley and Patterson.

By Mr. Dort. Of William C. Maples, for indemnification of damages done by the location of the central railroad across his farm, and for timber cut on the same; referred to the committee on claims.

By Mr. Stout. Of the overseers of highways of the town of Thornapple; laid upon the table.

Mr. Fitzgerald presented a claim of Charles Seward, deputy sheriff of Berrien, which was referred to the committee on claims.

Mr. Mack presented an account of John S. Bagg, State printer, which was referred to the committee on ways and means.

REPORTS.

Mr. Mack, from the committee on ways and means, to whom was referred that part of the Governor's message relating to sales at auction, made a report adverse to further legislation upon that subject; which report was laid upon the table.

Mr. Mack, from the same committee, to whom was referred the resolution respecting conflicting provisions in the revised statutes, respecting taxes upon merchants, &c. reported a bill, which was laid upon the table and ordered to be printed.

Mr. Goodwin, from the committee on university and school lands, to whom was referred the resolution respecting the reduction of the price of lands, reported adverse to such reduction, which was laid upon the table and ordered to be printed.

The Speaker announced a communication from his excellency the Governor, transmitting a communication from Major General Gaines, of the United States army, with a diagram of a system of railroads, for the better defence of the territory of the United States, which was referred to the committee on the library, with directions to cause the diagram to be framed and suspended in the library.

Mr. Adam called up the joint resolution laying upon the table, instructing our Senators and requesting our Representative in Congress, to obtain an increase of the salary of the United States district judge, for the district of Michigan, and the same was adopted.

On motion of Mr. Adam, the bill to provide for the adjustment and collection of taxes for the year 1838, and for other purposes, was taken up, read a third time and passed.

On motion of Mr. Livermore, the House resolved itself into committee of the whole, on the several joint resolutions in relation to instructions to our Senators and Representative in Congress, on the subject of appropriations, Mr. Goodwin in the chair.

After some time spent thereon, the committee rose and reported, and the resolutions were referred to a select committee, consisting of Messrs. Hammond, King and Little.

On motion of Mr. Jennings, the House went into committee of the whole, on the bill to legalize the township elections of the township of Aliedon and Aurelius, Mr. Livermore in the chair.

After some time spent thereon, the committee rose and reported the bill without amendment, and the same was ordered to be engrossed for a third reading.

On motion of Mr. Mack, the bill authorizing the coupty commissioners of the county of Wayne to dispose of their present poor house, and for other purposes, was considered in committee of the whole, Mr. Tucker in the chair.

After some time spent thereon, the committee rose and reported the bill with amendments, when, on motion of Mr. Dort, the rule was suspended, the bill read a third time and passed.

Mr. Livermore asked for and obtained leave of absence for Mr. Davis until Monday.

Mr. Acker for Mr. Near, the same.

Mr. Adam for Mr. Smith.

Mr. Chase for Mr. Decker, until Monday.

On motion of Mr. Wixom, the House adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 21.

The House met pursuant to adjournment. The roll being called, there were absent, Messrs. Beaufait, Clark, Decker, Gibbs, and Saunders.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read.

PETITIONS.

By Mr. Fitzgerald. Of 207 citizens of Berrien county in behalf of certain settlers on university lands in said county, which, on his motion, was referred to a select committee on certain State lands.

By Mr. Goodwin. Three several petitions of citizens of Calhoun and Jackson counties, for improvements on the St. Joseph river, and for survey of canal; referred to committee on internal improvement.

By Mr. Durocher. Remonstrance of inhabitants of the county of Monroe, against a State bank; referred to the committee on banks and incorporations.

By Mr. Seeley. Of 397 inhabitants of Hillsdale county, praying for a removal of the seat of justice of said county, from the village of Jonesville to the village of Hillsdale; referred to committee on towns and counties.

By Mr. Smith. Of W. H. Slack, guardian of the minor heirs of Abraham Slack, praying for authority to sell and convey certain real estate; referred to committee on judiciary.

By Mr. Near. Of sundry inhabitants of Wayne county, praying for aid in the construction of a road; referred to committee on claims.

By Mr. Livermore. An account of George R. Griswold, for printing; referred to committee on ways and means.

By Mr. McKee. Of eighty of the citizens of Watertown,

for the organization of the county of Clinton; referred to committee on towns and counties.

By Mr. McKee. Of citizens of Clinton county, for a branch of Clinton and Kalamazoo canal down the Leekglass river, to the navigable waters of Grand River; referred to the committee on internal improvements.

REPORTS.

Mr. Hammond, from the select committee to whom was referred the several resolutions relative to appropriations, reported a condensed resolution, on which debates were had, and on motion of Mr. Goodwin, the same was referred back to the committee, with instructions to accompany the resolution with a memorial.

RESOLUTIONS.

Mr. Patterson laid the following resolution upon the table:

Resolved, by the Senate and House of Representatives, That our Representative in Congress be requested and our Senators instructed to introduce and support a bill for the abolition of imprisonment for debt under process issued from the courts of the United States.

On motion of Mr. Hammond,

Resolved, That the Hon. Elisha Ely, in presenting the claim of Allegan county to a representative, and consequently his right to a seat in this House, be permitted to appear by counsel.

On motion of Mr. Axford,

Resolved, That the committee on internal improvement be instructed to inquire what amendment is necessary, or whether any, to be made to an act approved March 22d, 1838, for the purpose of continuing the geological survey of this State, and report by bill or otherwise.

Mr. Durocher laid the following resolutions upon the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representative be requested, to use their best efforts to procure an appropriation and authority from the general government to cause to be constructed a steam revenue cutter of sufficient magnitude and capacity to be furnished and manned as the

necessity of the case may require, to navigate Lakes Erie, St. Clair and Huron.

Resolved, That his excellency the Governor, be requested to transmit a copy of the foregoing resolution to the President of the Senate, Speaker of the House of Representatives, to each of our Senators, and our Representative in Congress.

On motion of Mr. Pond,

Resolved, That a select committee of three be appointed to examine into the accounts of the late Hiram Alden, member of the board of internal improvement, and late acting Commissioner on the central railroad, with instructions to bring in a bill providing for the payment to his legal representative his unpaid salary as one of the Commissioners of internal improvement, and for the payment of his funeral expenses.

On motion of Mr. Shurts,

Resolved, That the use of the representative hall be tendered to the military convention which is to assemble in this city on the afternoon of the 22d inst.

Mr Ormsby laid the following resolution upon the table :

Resolved, That John Norton, Jr., cashier of the Michigan State Bank, be requested to report to this House what amount of the State treasury was in the bank on the first day of January, 1838, what amount and what kind of money has been deposited by the State from that time to the 1st of January, 1839, what amount and what kind of money has been disbursed under State agents during the past year, and what amount and what kind of money yet remains in deposite.

Mr. Lowry asked for and obtained leave of absence for Mr. L. Allen.

Mr. Wixom for Mr. Clark, the same.

Mr. Chase for Mr. Decker, the same.

On motion of Mr. Hammond, the rule was suspended, and the House proceeded to the special order of the day, being the reports of the minority and majority of the committee on elections, on the petition of Elisha Ely, Esq., for a seat in the House as the Representative elect from the county of Allegan.

On motion of Mr. Adam, the House resolved itself into committee of the whole, Mr. Bacon in the chair.

In committee of the whole, Mr. Ely was heard, by his counsel, Charles W. Whipple, Esq., and after some time spent thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

Mr. Fitzgerald announced the presence of Henry A. Levake, Esq., the member elect from Chippewa, who was qualified and took his seat.

On motion of Mr. Finney, the House adjourned to 2 o'clock in the afternoon.

AFTERNOON SESSION.

Two o'clock, P. M.

The House being called to order, the roll was called and Messrs. L. Allen, Beaufait, Clark, Decker, Gibbs, Lowry, Levake and Mead were absent.

The House again resolved itself into committee of the whole, on the report of the committee on elections, Mr. Bacon, in the chair.

After some time spent thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Chapin, the House adjourned.

TUESDAY, JANUARY 22.

The House met pursuant to adjournment. The roll being called, Messrs. L. Allen, Brown, Gibbs and Ormsby were absent.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read.

PETITIONS.

By Mr. Howland. Of inhabitants of the township of Elba county of Lapeer, praying that certain acts of said township may be legalized; referred to committee on the judiciary.

By Mr. Dort. Of 100 citizens of the township of Dearborn, Wayne county, praying for an appropriation to lay out and make a turnpike road from Dearbornville to Flat Rock and from thence to Monroe; referred to committee on ways and means.

By Mr. Near. Of sundry inhabitants of Wayne county for the construction of a road; referred to the committee on ways and means.

By Mr. Seeley. Of sundry inhabitants of township 8 and fraction of township 9 of range 4 west, in Hillsdale county, praying to be set off and organized into a township; referred to committee on towns and counties.

By Mr. Mack. Of Thomas Beals, relative to a protested draft on the State treasury; referred to committee on ways and means.

REPORTS.

Mr. Hammond, from the select committee on the several resolutions in relation to appropriations for harbors, &c., reported a memorial to accompany the same, which was referred to the committee of the whole and ordered to be printed.

Mr. Bacon, from the committee on banks and incorporations, to whom was referred the petition of the common council of the city of Monroe, reported "A bill to amend an act entitled 'An act to incorporate the city of Monroe,' approved March 22, 1837," which was laid upon the table and ordered to be printed.

Mr. Tucker, from the committee on the judiciary, reported the "Bill to amend part third, title first, chapter third of the revised statutes," back to the House without amendment, and the same was referred to the committee of the whole.

The Speaker announced a communication from the Secretary

of State, together with his report on the resolution referred to him on the subject of saline lands, which was laid upon the table and ordered to be printed.

The Speaker announced the following communication from the Governor, which was laid upon the table :

EXECUTIVE DEPARTMENT, }
Detroit, Jan. 18. }

To the House of Representatives :

I have received the resolution of the House, "requesting the Executive to communicate any intelligence in his possession relative to the confirmation of lands north of Grand river, selected by the State agent for university and other purposes."

A statement of the lands in question, was transmitted to the General Land office, at Washington, at the time of their location by the State agent. In consequence, however, of the passage of a joint resolution at the last session of the Legislature, authorizing John Mullett, Esq., to review the locations, no demand has thus far been made by the Executive, upon the Secretary of the Treasury, for their confirmation, neither has any communication been received from that office on the subject, since the adjournment of the last Legislature.

S. T. MASON.

The following message was received from the Senate :

SENATE CHAMBER, }
January 22. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return the joint resolution, passed by the House of Representatives, "to increase the salary of the United States district judge," and respectfully inform you that the Senate have non-concurred therein.

I am also instructed to return the bill entitled "A bill to legalize the official acts of the assessors of the township of Antrim," and respectfully inform you that the Senate have concurred therein.

SAM'L. YORKE AT LEE,

Secretary of Senate.

And the "Bill to legalize the official acts of the assessors of the township of Antrim," was ordered to be enrolled.

Also, the following message was received from the Senate:

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the resolution in relation to Blois' Gazetteer, as amended by the House, and inform you that the Senate have refused to concur in said amendment.

SAM'L YORKE AT LEE,

Secretary of Senate.

Whereupon, on motion of Mr. Adam,

Resolved, That this House do insist upon their amendment to the resolution in relation to Blois' Gazetteer.

RESOLUTIONS.

On motion of Mr. Pond,

Resolved, That the committee on the judiciary be instructed to inquire and report to this House whether any, and if so, what laws should be passed at this time relative to the laying out, recording, or vacating in whole or in part, of town or village plats.

Mr. Dort offered the following resolution, which was lost.

Resolved, That the committee on banks and incorporations be instructed to inquire into the propriety of revising the general banking law in this State, so as to make it correspond, as near as circumstances will admit, to the general banking law of the State of New York, and that they report thereon as soon as convenient.

Mr. Smith laid on the table the following resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be, and he is hereby authorized to place to the credit of the Ypsilanti and Tecumseh railroad company, from the internal improvement fund, the balance due said company on account of the \$100,000 loan, authorized by an act of the last Legislature.

On motion of Mr. Fitzgerald,

Resolved, That the judiciary committee be instructed to incorporate in their bill to abolish imprisonment for debt, a clause, to repeal from and after the 4th of July next, so much of the law now in force, as permits the United States authorities to have the use of any of the common jails in this State, except for the con-

finement and safe keeping of persons charged with, or convicted of crime, or of being public defaulters.

On motion of Mr. Adam,

Resolved, That the Clerk of this House be authorized and requested to cause to be printed for the use of the members of this House, five hundred copies of the late report of the Bank Commissioners.

On motion of Mr. Near, the petition of sundry inhabitants of Wayne county, praying for aid in the construction of a road, yesterday referred to the committee on claims, was withdrawn and referred to the committee on ways and means.

Mr. Axford asked for and obtained leave of absence for Mr. Tackels until Monday next.

On motion of Mr. Smith, the House then resolved itself into committee of the whole, on the reports of the minority and the majority of the committee on elections in relation to the petition of the Hon. Elisha Ely.

[See Documents, page 180.]

After some time spent thereon, the committee rose and reported the following preamble and resolution, as introduced by Mr. Adam, and asked the concurrence of the House therein :

Whereas, by the Constitution of the State of Michigan, it is provided that "each organized county shall be entitled to at least one representative," and whereas in the schedule appended to said Constitution, and ratified by the people at the time of the ratification of the Constitution, it is provided that the county of Kalamazoo, and the unorganized counties of Allegan and Barry, shall be entitled to two representatives; and whereas it is also provided in the schedule aforesaid, that "the county of Saginaw, and the unorganized counties of Genesee and Shiawassee, shall be entitled to one representative," thus giving an evident construction by the framers of the Constitution, as to the effect, import and force of the above first recited provision of the Constitution, that even in the case of a county organized prior to the assembling of the convention which framed the Constitution, unorganized counties might be attached to an organized county having but one representative, for the purposes of representation in the State Legislature; and whereas the county of Allegan was an unorganized

county at the time of the formation of the Constitution, and whereas the people of this State, in ratifying the Constitution and the schedule appended thereto, in October subsequent to the organization of the county of Allegan, evidently understood and declared that said county of Allegan was, and was to be considered for the purposes of representation in the State Legislature, an unorganized county; therefore,

Resolved, That Elisha Ely, who claims a seat in this House as a representative from the county of Allegan, is not constitutionally or legally elected a representative from said county, or a member of this House of Representatives.

The question of concurring being taken by yeas and nays, the same was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Mack, |
| Mr. Adam, | Mr. Eaton, | Mr. Meacham, |
| Mr. A. Allen, | Mr. Finney, | Mr. Mead, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Newton, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Ormsby, |
| Mr. Chapin, | Mr. Hammond, | Mr. Patterson, |
| Mr. Chase, | Mr. Howland, | Mr. Pond, |
| Mr. Clark, | Mr. Hooker, | Mr. Renwick, |
| Mr. Copeland, | Mr. Jennings, | Mr. Seeley, |
| Mr. Davis, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Lowry, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Tucker, |

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NAYS.

| | | |
|----------------|--------------|-------------|
| Mr. Levake, | Mr. McKee, | Mr. Shurts, |
| Mr. Livermore, | Mr. Sheldon, | Mr. Wixom, |

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On motion of Mr. Goodwin,

Resolved, That the Hon. E. Ely be allowed the travel and pay of a member of this House from the commencement of the session to this time.

On motion of Mr. Fitzgerald, the House adjourned. ♦

WEDNESDAY, JANUARY 23.

The House met pursuant to adjournment ; the roll being called, Messrs. L. Allen, Brown, Gibbs, Levake, Ormsby, Patterson and Tackels were absent.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read, and so amended in relation to the resolution respecting the seat claimed by the Hon. Elisha Ely, as to make the question taken by yeas and nays, read "on the concurrence with the committee of the whole," instead of the "adoption of the preamble and resolution," on which no division was called.

PETITIONS.

By Mr. Little. Of sundry citizens of the county of Sanilac, who are now attached to the county of Lapeer for judicial and political purposes, praying they may be set off into a new county, and attached to Saginaw, for judicial and political purposes ; referred to the committee on towns and counties.

By Mr. Mack. An abstract of claims for printing general orders of the Commander in Chief during the year 1838 ; referred to the committee on claims.

The Speaker announced the following message from the Senate :

In Senate, January 22, 1839.

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to inform you that the Senate have passed the accompanying joint resolution, entitled "A joint resolution relative to a nautical survey of Lake Erie and the upper Lakes ;" and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the said resolution was laid upon the table.

RESOLUTIONS.

Mr. Mack laid the following preamble and resolution upon the table :

Whereas, the Constitution of the State of Michigan is pre-emi-

nently characterized by its spirit of liberality to the foreign emigrant ;

And whereas, it is just and right and proper, that no envious distinctions should exist in the United States, between the adopted and the native citizen ;

And whereas, in the various treaties made between the United States and foreign nations, the free right of expatriation is as yet unrecognized, subjecting, in case of a national war, many of our adopted citizens to the peril of being deemed and treated as traitors; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be and are hereby instructed, and our Representative is hereby requested, to use their efforts for the adoption of such measures as will ensure the recognition, by foreign powers with whom we have national intercourse, of the absolute citizenship of all foreigners, naturalized by the existing laws of the United States.

On motion of Mr. Howland,

Resolved, That the committee on the judiciary be instructed to inquire if any, and what amendments are necessary in the Revised Statutes, to title 10, chapter 1, (for the incorporation of religious societies,) and report by bill or otherwise.

Mr. Tucker offered the following resolution, which was, on motion of Mr. Smith, laid upon the table :

Resolved, That a select committee of three be appointed to investigate the accounts of the Board of Commissioners of internal improvement, with power to send for persons and papers.

Mr. Smith called up the joint resolution in relation to the Ypsilanti and Tecumseh railroad, which was considered and again laid upon the table.

The Speaker announced as the select committee on the accounts of Hiram Alden, Messrs. Pond, Adam and Acker.

Mr. Sheldon, pursuant to previous notice, introduced " A bill to repeal an act entitled an act to provide for the appointment of a State Printer, and to prescribe his powers and duties," which was, on motion of Mr. Goodwin, referred to the committee on the judiciary.

On motion of Mr. Goodwin, the House resolved itself into com-

mittee of the whole on the " Bill for the payment of the expenses of the Regents of the university in certain cases," Mr. Hammond in the chair

After some time spent thereon, the committee rose and reported the same with amendments, and the same was concurred in by the House. and the bill ordered to be engrossed for a third reading.

On motion of Mr. Hammond, the House then resolved itself into committee of the whole on the " Bill to amend the act incorporating the village of Kalamazoo," Mr. Copeland in the chair.

After some time spent thereon, the committee rose and reported the bill without amendment, and the same was ordered to be engrossed for a third reading.

On motion of Mr. Fitzgerald, the House then resolved itself into committee of the whole on the " Bill to amend the act to incorporate the village of Niles," and the acts amendatory thereof, Mr. Eaton in the chair.

After some time spent thereon, the committee rose and reported the bill without amendment, and the same was ordered to be engrossed for a third reading.

On motion of Mr. Livermore, the " Bill to extend the time for receiving the annual reports from certain school districts," was considered, referred to the committee of the whole, and on motion of Mr. Mack, ordered to be engrossed.

On motion of Mr. Mack, the " Bill for the payment of the expenses of the Regents of the university in certain cases," was considered, and ordered to be engrossed for a third reading.

On motion of Mr. Mack, the " Bill to amend the Revised Laws in relation to taverns and other licensed houses," was considered, and on motion of Mr. Wixom, the same was laid upon the table.

Mr. Dort, by consent, called up for consideration the following resolution from the Senate :

Resolved, That a joint committee be appointed, consisting of two from the Senate and three from the House, to inquire of the Commissioners of internal improvement in reference to the disposition made by them of the improvement fund ; if any moneys have been loaned out by them, what sums have been loaned out,

and to what individuals, and with what security.

Which resolution, on motion of Mr. Pond, was so amended as to insert after the word "security," "and that the said inquiry extend as well to the Commissioners composing the last as well as the present board," which was lost, and the resolution laid upon the table.

On motion of Mr. Stout, the House then adjourned.

THURSDAY, JANUARY 24.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. L. Allen, Brown, Lowry, Le-vake, Mead, Ormsby, Renwick, and Tackels.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Bacon. Of citizens of the township of Raisinville, Monroe county, protesting against the act of March 31st, 1838, to organize certain townships, and praying for the repeal of said act, so far as the same relates to that township; referred to the committee on towns and counties.

By Mr. Hammond. Of the board of the township of Richland, county of Kalamazoo, to legalize assessment roll; referred to the committee on the judiciary.

By Mr. Gibbs. Of citizens of Calhoun and Jackson counties, for improvements on the St. Joseph river, and for survey of canal; referred to the committee on internal improvement.

By the same. Remonstrance of inhabitants of Marengo, in Calhoun county, against the establishment of a certain State road; referred to the committee on roads and bridges.

By Mr. McKee. Of citizens of Kent, Ionia, Clinton, Ingham, and Shiawassee counties, for a branch of Clinton and Kalamazoo canal; referred to the committee on internal improvement.

By the same. Of inhabitants of town 7 north, of range 4 east, praying that said town may be set off from the township of Owasso and attached to Vernon; referred to the committee on towns and counties.

By Mr. Mack. Of citizens of Plymouth relative to school dis-

strict number 6, in said township, praying that the neglect of their assessor may be remedied by a special act; referred to the committee on university and school lands.

Mr. Renwick presented a petition from the supervisors of Washtenaw county, praying for the passage of a law, authorizing the county commissioners to obtain a loan of \$5000, to complete county jail; referred to committee on ways and means.

On motion of Mr. Durocher,

Resolved, That the judiciary committee be instructed to report by bill or otherwise, authorizing justices of the peace within the State to take depositions and affidavits, also clerks of the circuit and county courts to take affidavits out of court.

On motion of Mr. Shurts,

Resolved, That a select committee be appointed to inquire whether the State Treasurer's report be correct, or whether there has been any mistakes in printing, and report accordingly.

The Speaker announced Messrs. Shurts, Adam and Copeland, as said committee.

On motion of Mr. Wixom,

Resolved, That the Auditor General be, and he is hereby instructed to report to this House, whether the Ypsilanti and Tecumseh rail road company, have in all respects complied with the law authorizing a loan of the credit of the State to said company, and whether the securities have been given by said company, and approved according to the provisions of said act.

BILLS READ A THIRD TIME AND PASSED.

The following entitled bills were read a third time and passed:

"A bill to amend the act incorporating the village of Kalamazoo."

"A bill to extend the time for receiving the annual reports from certain school districts."

The question on this bill being taken by yeas and nays, on motion of Mr. Wixom, the vote stood as follows:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Near, |
| Mr. Adam, | Mr. Hammond, | Mr. Newton, |
| Mr. Bacon, | Mr. Howland, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, |

| | | | |
|---------------|----------------|---------------|----|
| Mr. Chapin, | Mr. Jennings, | Mr. Saunders, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Dort, | Mr. Little, | Mr. Sheldon, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Shurts, | |
| Mr. Eaton, | Mr. Mack, | Mr. Stout, | |
| Mr. Finney, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. Mead, | | 32 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. A. Allen, | Mr. Decker, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, | |
| Mr. Clark, | Mr. King, | Mr. Speaker, | |
| Mr. Davis, | Mr. McKee, | Mr. Wixom, | 15 |

"A bill to amend the act to incorporate the village of Niles."

"A bill for the payment of the expenses of the Regents of the university in certain cases."

On motion of Mr Wixom, "the bill to amend the revised law in relation to tavern and other licensed houses," was considered, amendments proposed thereto, and on motion of Mr. Durocher the same was laid upon the table.

On motion of Mr. Renwick, "the bill to amend part third, title first, chapter third of the revised statutes," was taken up in committee of the whole, Mr. Fitzgerald in the chair.

After some time spent thereon, the committee rose, reported progress, and the bill was laid upon the table.

On motion of Mr. Stout, the bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, was considered, and after debates thereupon the same was laid upon the table.

On motion of Mr. Tucker, the resolution offered by him yesterday, was taken up, amendments proposed, and debates had thereupon, when, on motion of Mr. Finney, the same was laid upon the table.

The following message was received from the Senate :

SENATE CHAMBER, }
January 23. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return the joint resolu-

tion passed by the house of Representatives, entitled "a resolution to appoint a joint committee to investigate the affairs of the Wash-tenaw and Clinton banks," and respectfully inform you, that the Senate have concurred therein, and Messrs. Kercheval and Gidley, have been appointed said committee on the part of the Senate.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

Whereupon, the Speaker announced as the committee on the part of the House, Messrs. Renwick, Chapin and Adam.

On motion of Mr. Smith, the House adjourned.

FRIDAY, JANUARY 25.

The House met pursuant to adjournment; the roll being called, Messrs. L. Allen, Meacham, Newton and Tackels were absent.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Goodwin. Of sundry citizens of Calhoun county, for improvements of the St. Joseph river and survey of a canal; referred to the committee on internal improvements.

By Mr. Acker. Similar petition and same reference.

By Mr. Smith. Of Guy Carpenter, praying for relief; referred to the committee on claims.

By Mr. Little. Of sundry citizens of Genesee county, for an act of incorporation, to be styled the Genesee and Saginaw navigation company, for the improvement of Flint river and connecting the same with the Cass river, by canal; referred to the committee on internal improvement.

By Mr. Acker. Of sundry inhabitants of Jackson, Jackson county, in relation to slavery and the slave trade; referred to the committee on so much of the Governor's message as relates to that subject; after a motion of Mr. Wixom to lay on the table had been lost by the following vote:

YEAS.

| | | |
|-------------|-------------|---------------|
| Mr. Axford, | Mr. Eaton, | Mr. Mead, |
| Mr. Chase, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Clark, | Mr. King, | Mr. Sheldon, |
| Mr. Decker, | Mr. Levake, | Mr. Wixom, |
| Mr. Dort, | Mr. Mack, | 14 |

NAYS.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Grovier, | Mr. Newton, |
| Mr. Adam, | Mr. Hammond, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Howland, | Mr. Patterson, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, |
| Mr. Durocher, | Mr. Meacham, | Mr. Speaker, |
| Mr. Finney, | Mr. McKee, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Near, | Mr. Tucker, |
| Mr. Goodwin, | | 34 |

By Mr. Fitzgerald. A communication from J. V. Cummings, on the subject of justices' fees; referred to the committee on the judiciary.

REPORTS.

Mr. Goodwin, from the committee on university and school lands, to whom had been referred the petition of sundry citizens of Plymouth, reported "A bill to authorize a certain assessment to be made in a school district in Wayne county," which was read a first and second time, placed upon the general order, and directed to be printed.

Also, "A bill to extend the time of payment of university and school moneys, and for other purposes." The same disposition.

Mr. Goodwin from the same committee, to whom was referred the petition of N. P. Hoag, reported that the same subject has been considered on reference of the Governor's message, and that no further legislation is advisable, and on his motion, leave was granted to the petitioner to withdraw the same.

The Speaker announced a message from the Senate, by their

Secretary, informing the House that the Senate had concurred in the amendment to the resolution in relation to Blois' Gazetteer.

Mr. King, from the committee on enrolled bills, reported the bill entitled "An act to legalize the official acts of the assessors of the township of Antrim."

RESOLUTIONS.

Mr. Dort laid the following resolution upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That copies of the several acts now in force, and applicable to, and prescribing the duties of township officers, be printed in pamphlet form, and distributed to the officers of the several townships of this State in the following manner, viz : to supervisors, township treasurers, assessors, commissioners of highways, directors of the poor and overseers of highways ; which township laws shall be distributed in the manner pointed out for the distribution of the laws of this State by the Secretary of State.

On motion of Mr. Axford,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending chapters one and two of title five, part first of the Revised Statutes, in such a manner as to cause all real estate to be assessed at its true value and no more.

On motion of Mr. Durocher,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the law authorizing the commencement of actions by declaration, with leave to report by bill or otherwise.

Section 17 & 18, title 2, chapter 1.

On motion of Mr. Finney, the following resolution was laid upon the table and made the special order for Tuesday next :

Resolved, That the committee on militia be instructed to report a bill, so altering the law now in force, as

- 1st. To provide for the better discipline of military officers.
- 2d. To require the enrolment and returns of all persons now liable to do military duty.
- 3d. To provide for the distribution and safe keeping of arms, equipage and ammunition belonging to the State.

4th. To encourage the formation of independent companies.

5th. To dispense with the drills, musters and reviews, except in cases of emergency, of privates in all companies, except organized independent companies.

On motion of Mr. Howland,

Resolved, That the committee on the judiciary be instructed to inquire if any and what amendments are necessary to title nine, chapter first of the Revised Statutes, (of the support of poor people by their relatives) and to report by bill or otherwise.

On motion of Mr. Fitzgerald,

Resolved, That the judiciary committee be instructed to inquire into the expediency of giving justices of the peace jurisdiction, to some amount, in action of replevin.

Also, of authorizing any three justices of the proper county to have jurisdiction in cases of petit larceny.

Also, of so modifying the attachment law, that the creditor may attach only so much of the debtor's property as may be deemed sufficient to pay his debt, and that on the payment thereof with costs, the attachment be discontinued.

On motion of Mr. Patterson,

Resolved, That the committee on the judiciary be instructed to inquire into the necessity of providing by law for the renewal of official bonds of sheriffs and other county officers, and to report by bill or otherwise.

Mr. Wixom gave notice that he should, at some future day, ask leave to introduce a bill continuing in force an act entitled "An act to provide for the disposition of prisoners apprehended within the county of Livingston," approved 8th February, 1838.

On motion of Mr. Stout, the bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, was considered, the rule suspended, read a third time and passed.

On motion of Mr. Hammond, the "memorial and resolution relative to improvements, &c. by the general government in the State of Michigan," were taken up in committee of the whole, Mr. Gibbs in the chair.

After some time spent thereon, the committee rose and reported the same with amendments, and the same being under consid-

eration, further amendments were made by the House, when, on motion of Mr. Livermore, that part relating to military roads was referred to a select committee, consisting of Messrs. Livermore, A. Allen and Tucker, and the memorial and resolution was adopted and ordered to be engrossed.

On motion of Mr. Acker, the "Bill to amend part third, title first, chapter third of the Revised Statutes," was taken up and amendments made thereto, when

Mr. Eaton moved for an adjournment.

Mr. Wixom moved an amendment, to "adjourn until ten o'clock on Monday next."

A division being called, the motion was lost.

Mr. Shurts moved for an adjournment, on which a division was called, and the motion was lost.

After debates upon the bill, the same was read a third time, and the question being taken by ayes and nays, passed by the following vote :

YEAS.

| | | |
|-----------------|---------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Near, |
| Mr. Adam, | Mr. Howland, | Mr. Newton, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Copeland, | Mr. Jennings, | Mr. Pond, |
| Mr. Dort, | Mr. Lowry, | Mr. Renwick, |
| Mr. Durocher, | Mr. Little, | Mr. Seeley, |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Smith, |
| Mr. Gibbs, | Mr. Meacham, | Mr. Stout, |
| Mr. Goodwin, | Mr. Mead, | |

26

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. A. Allen, | Mr. Eaton, | Mr. Saunders, |
| Mr. Axford, | Mr. Finney, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurts, |
| Mr. Chase, | Mr. Levake, | Mr. Speaker, |
| Mr. Clark, | Mr. Livermore, | Mr. Tucker, |
| Mr. Davis, | Mr. McKee, | Mr. Wixom, |
| Mr. Decker, | Mr. Patterson, | |

20

On motion of Mr. Acker,

The House adjourned to Monday morning, 10 o'clock.

MONDAY, JANUARY 28.

The House met pursuant to adjournment, and the roll being called, Messrs. L. Allen, Axford, Decker, Little, Mead, Tackels, and Wixom, were absent.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and approved.

Mr. Hammond asked for and obtained leave of absence for Mr. Little, until to-morrow.

Mr. Durocher for Mr. Bacon, the same.

PETITIONS.

By Mr. Goodwin. Five petitions of 300 citizens of Branch, Calhoun, St. Joseph and Berrien county, praying for the improvement of the St. Joseph river, and the survey of a canal; referred to committee on internal improvement.

By Mr. Gibbs. Of D. L. Mahony and others, same as above, with like reference.

By Mr. Acker. Four petitions of sundry inhabitants, same as above, with like reference.

By Mr. Hammond. Of Samuel W. Dexter and others, for a charter for the construction of a canal, to be called the Dexter Branch canal; referred to the committee on internal improvement.

By Mr. McKee. Of John Ferdon and others, for a State road from Owasso to Rochester colony; referred to committee on roads and bridges.

By Mr. Gibbs. Of E. B. Danforth and others, inhabitants of Ingham county, for a State road; referred to committee on roads and bridges.

By Mr. Gibbs. Of D. L. Johns and others, praying for the establishment of courts of special sessions, for the trial of petty offences and misdemeanors; referred to the committee on the judiciary.

By Mr. Copeland. Two petitions, by sundry inhabitants of the village of Jackson, praying for an act to incorporate said village; referred to committee on banks and incorporations.

By Mr. Brown. Memorial and affidavit in the matter of Wm. B. Wandell's claim, by pre-emption, to a certain parcel of land in

Kalamazoo county ; referred to a select committee, consisting of Messrs. Brown, Hammond and Patterson.

By Mr. Finney. Two petitions of sundry inhabitants and settlers on public lands, north of Grand River, praying for a release of State selections ; referred to select committee having that subject under consideration.

By Mr. Brown. Of R. W. French and others, respecting certificates of titles to purchasers of school and seminary lands ; which, on motion of Mr. Goodwin, was laid upon the table.

By Mr. Mack. Claims of Oliver Marsh, De Graff & Townsend, and Williams & Coles, which were severally referred to the committee on claims.

The Speaker announced a communication, with accounts, from the State Geologist, which were referred to committee on claims.

REPORTS.

Mr. Adam, from the committee on the judiciary, to whom was referred a resolution relative thereto, reported a "Bill to authorize the exemption of certain private and professional libraries from execution ;" which was put upon the general order of the day.

Mr. Gibbs, chairman of the judiciary committee, also introduced the following bills, which were placed upon the general order, and directed to be printed :

"A bill to provide for an increase of the numbers of masters in chancery for the county of Wayne."

"A bill relative to the records of the court of probate for the county of Cass."

Mr. Mack, from the committee on ways and means, to whom was referred the accounts of John S. Bagg, State printer, reported "A bill making appropriations to John S. Bagg, State Printer, for printing, binding, and materials for the Revised Statutes, laws, journals, documents, and other printing therein specified," which was, on motion of Mr. Mack, made the special order for Wednesday, and ordered to be printed.

Mr. Livermore, from the select committee to whom was referred the subject of memorializing Congress relative to the United States military roads, reported a memorial and resolution, which were referred to the committee of the whole, and ordered to be printed.

[See Documents, No. 18.]

The Speaker announced the following communication from the Auditor General, which was laid upon the table and ordered to be printed :

AUDITOR GENERAL'S OFFICE, }
Detroit, 28th January, 1839. }

*To the Hon. the Speaker
of the House of Representatives :*

In compliance with a resolution of the House of Representatives, transmitted to me on the 25th instant, relative to the securities given by the Ypsilanti and Tecumseh railroad company, I have the honor to state that said company have filed in this office bonds and mortgages on unincumbered real estate, approved by the Attorney General, to the amount of \$213,000, a mortgage on the railroad, and also, a bond in the penal sum of \$200,000. A schedule of mortgages, with a certificate thereunto affixed, was signed and approved by me, and left in the office unintentionally by Mr. Blanchard, or some person interested, intending to procure the Governor's signature, but it was not done.

Very respectfully,

Your most obedient servant,

ROBERT ABBOTT,

Auditor General.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER, }
Detroit, January 28th, 1839. }

*To the Speaker of the
House of Representatives :*

Sir—I am instructed by the Senate to return to the House the joint resolution entitled "A resolution to request the Attorney General to inquire into the corporate existence of the Farmers' and Merchants' bank of St. Joseph," and respectfully inform you that the Senate have refused to concur in the amendment thereto by the House.

I am also instructed to return to the House the following bills, viz: the bill entitled "A bill to extend the time for receiving the annual reports from certain school districts," the bill entitled, "A bill making appropriations for the State salt springs," and respectfully inform you that the same have been concurred in by the Se-

nate. The following bills have also passed the Senate, with amendments thereto attached, viz; "A bill authorizing the county commissioners of the county of Wayne to dispose of their county poor-house, and for other purposes," "A bill to authorize the county commissioners of Wayne to perform certain duties therein mentioned," "A bill for the payment of the expenses of the Regents of the university in certain cases."

SAM'L YORKE AT LEE,

Secretary of the Senate.

On motion of Mr. Chase, the House then recessed from their amendment to the resolution relative to the "Farmers and Merchants' bank of St. Joseph."

The House also concurred in the amendments of the Senate to the "Bill authorizing the county commissioners of the county of Wayne to dispose of their present county poor-house, and for other purposes."

Also, to the amendment of the Senate to the "Bill to authorize the county Commissioners of Wayne county to perform certain duties therein mentioned."

Also, the House concurred in one of the amendments to the "Bill for the payment of the expenses of the Regents of the university in certain cases," and refused their concurrence in the other.

RESOLUTIONS.

On motion of Mr. Patterson,

Resolved, That the judiciary committee be instructed to inquire into the propriety of repealing all laws authorizing the sale of property on mortgage, without redemption, and report by bill or otherwise.

Mr. Sburts laid the following resolution on the table :

Resolved, That the committee on banks and incorporations be, and they are instructed to inquire into the causes which have led to the failure of the bank of Ypsilanti to redeem its bills in circulation, and into the general conduct of said bank, during its corporate existence, and that said committee be authorized in the prosecution of said investigation, to send for persons and papers and to proceed therein forthwith.

On motion of Mr. Adam,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of making provision by law for placing the remedy on all contracts entered into prior to the taking effect of the Revised Statutes, as near as may be, on the same footing as existed at the time of the making of said contracts, and of extending the time allowed for the redemption of mortgages, executed prior to the taking effect of said statutes, to the same time as was allowed by law at the time of the execution of said mortgages.

Mr. Copeland gave notice that on some future day he would ask leave to introduce a bill to charter the Merchants' Bank of Jackson county, at Brooklyn.

Mr. Patterson called up the following resolution, which, being amended by Mr. Acker, was adopted :

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Representative be requested and our Senators be instructed to introduce and support a bill for the abolishing of imprisonment for debt, upon all judgments obtained in the courts of the United States, upon contract.

Mr. Durocher called up the following resolution, which was adopted :

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representative be requested to use their best efforts to procure an appropriation and authority from the general government to cause to be constructed a steam revenue cutter, of sufficient magnitude and capacity, to be furnished and manned as the necessity of the case may require, to navigate lake Erie, St. Clair, Huron and Michigan.

Resolved, That his excellency the Governor, be requested to transmit a copy of the foregoing resolution to the President of the Senate, Speaker of the House of Representatives, and to each of our Senators and Representative in Congress.

Mr. Fitzgerald called up the following joint resolution, which was adopted :

Resolved, That our Senators and Representative in Congress be requested to procure an examination of the accounts of the superintendent and assistant superintendent of the harbor at St.

Joseph, and the manner in which the funds entrusted to their charge have been used and expended, and whether these officers have manifested a due regard for the public interest, and that the Secretary of State transmit to each of our Senators and Representative a copy of this resolution.

On motion of Mr. Goodwin, the "Bill authorizing an assessment to be made in a certain school district in the township of Plymouth, in the county of Wayne," was taken up, the rule suspended, read a third time and passed.

On motion of Mr. Smith, the House adjourned.

TUESDAY, JANUARY 29.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. Bacon, Decker and Tackels.

Prayer by the Rev. Mr. Badin.

Journal of yesterday read and approved.

Mr. Howland asked for and obtained leave of absence for Mr. Mead, till Friday.

Mr. Brown for Mr. Bacon, till to-morrow.

Mr. L. Allen for Mr. Lowry, till Monday.

PETITIONS.

By Mr. Mack. Of John Farrar, collector of taxes in the city of Detroit, praying for time for completing his collections; referred to select committee, consisting of Messrs. Mack, Durocher and Tucker.

By Mr. Near. Of sundry citizens of the county of Wayne, praying for increased powers of the Gibraltar and Flat Rock company, in the construction of a canal from Gibraltar in Wayne county, to Ypsilanti in Washtenaw county; referred to committee on internal improvement.

By Mr. Chapin. Of the stockholders of the White Pigeon beet sugar company and 58 other citizens of the county of St. Joseph, for a loan of money to enable them to complete their buildings, &c.; referred to select committee, consisting of Messrs. Chapin, Ranwick and Axford.

By Mr. . Of sundry inhabitants of town 4 south, of

range 15 west, praying for an organization of said town; referred to committee on towns and counties.

REPORTS.

Mr. Gibbs, from the committee to whom was referred the subject, reported a joint resolution relative to the basement room of the capital, authorizing the Secretary of State to let the same for county offices, for the county of Wayne, which he laid upon the table.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
January 29, }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return the bill "to amend an act incorporating the village of Kalamazoo," and respectfully inform you that the same has passed the Senate.

I am also instructed to inform you that the Senate have passed the accompanying joint resolution instructing our Senators and requesting our Representative in Congress to procure an appropriation of \$30,000 for building a light-house at the mouth of Clinton river, on the north side thereof, at Belvidere, Macomb county, Michigan, &c." and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,
Secretary of Senate.

The Speaker announced the following message from the Governor:

EXECUTIVE DEPARTMENT, }
January 28, }

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State, an act entitled "An act making appropriation for the improvement of the salt springs."

S. T. MASON.

RESOLUTIONS.

On motion of Mr. Hammond, (the rule suspended.)

Resolved, The Senate concurring herein, that two members, one from the House and one from the Senate, be added to the committee appointed to investigate the affairs of the banks of Wawatzenaw and Clinton.

On motion of Mr. Levake,

Resolved, That so much of the Governor's message as relates to the construction of a ship canal around the falls of Ste. Marie, be referred to a select committee of five.

Whereupon, the Speaker announced Messrs. Levake, King, Brown, Goodwin and Newton, as said committee.

On motion of Mr. Acker,

Resolved, That the committee on banks and incorporations be instructed to inquire and report to this House, whether, in their opinion, the public interest would not be promoted by the repeal of existing laws requiring the appointment of Bank Commissioners.

On motion of Mr. Adam,

Resolved, That the report of the Bank Commissioners, made to the Legislature on the 18th instant, be referred to the committee on banks and incorporations; with instructions to report what legislation, in their opinion, may be necessary in regard to the general banking law, and in regard to the winding up of the affairs of associations organized under said act.

On motion of Mr. Goodwin,

Resolved, That the committee to whom was referred the petition of John Farrar, a collector of the city of Detroit, be directed to report a bill applicable to all cases where collectors have been unable to finish the collection of taxes, extending their authority to collect to the first day of April next.

Mr. Livermore laid the following resolution on the table :

Resolved, (the Senate concurring,) That there be added to the standing committee of the Legislature, a committee of five from the House of Representatives, and three from the Senate, to be denominated "the joint standing committee on State funds," whose duty it shall be at each session of the Legislature, to investigate the standing and condition of the several funds belonging to the State, and to inquire into the acts and doings of all commissioners, superintendents, and others having charge of said funds, with power to send for persons and papers, and report accordingly.

Mr. Fitzgerald offered the following preamble and resolution, which, together with the substitute of Mr. Finney, after debate, was, on motion of Mr. Tucker, laid upon the table :

Whereas, it is believed by the members of this House, that a State bank established upon the principle of the State bank of Indiana, with such modification as would increase the power of the people through their representatives over such institution, and would ensure to this State a sound and safe currency, and an unquestionable guarantee for the safety and security of the public interests therein; while it would produce a large fund for the support of common schools by a tax on the stock of private stockholders, and would also yield a large annual profit to the State without being liable to be converted into a party political engine; therefore,

Resolved, That the bank committee be instructed to report a bill, upon the principle of the Indiana State bank charter, as near as practicable, but retaining by the State the paramount control in the State board of directors.

Mr. Finney's substitute:

Resolved, That the committee on banks be, and are hereby, instructed to report a bill establishing a bank with the capital stock owned and controlled exclusively by the State.

On motion of Mr. Smith,

The resolution laying on the table, relative to Ypsilanti and Tecumseh railroad, was considered, debated and re-laid upon the table.

Mr. Shurts called up his resolution of yesterday, in relation to the Ypsilanti bank, which was considered with proposed amendments, and laid upon the table.

The special order of the day, (the resolution of Mr. Finney, in relation to the militia,) being announced, on motion of Mr. Wixom, was postponed until Thursday next.

On motion of Mr. Goodwin,

The "Bill to extend the time of payment of the university and school moneys and for other purposes," was taken up in committee of the whole, Mr. Chapin in the chair.

The committee having spent some time thereon, rose and reported the same back to the House with amendments, which were concurred in by the House, and the bill, on motion of Mr. Adam, was laid on the table.

On motion of Mr. Lowry, the House adjourned.

WEDNESDAY, JANUARY 30.

The House met pursuant to adjournment, and the roll being called, Messrs. Mead and Lowry were absent on leave.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Hammond. Of 43 legal voters of town 2 south, of range 12 west, praying for the organization of said town; referred to the committee on towns and counties.

By Mr. Eaton. Of Harvey S. Russell, for remuneration for transporting ordnance in 1835; referred to the committee on claims.

By Mr. Renwick. Of sundry inhabitants of Michigan city, remonstrating against granting the prayer of the petition of Amariah Rawson and others, against changing the name of Michigan city to that of Rawsonville; referred to the committee on towns and counties.

By Mr. Tucker. Of inhabitants of townships 6 and 8 north, of range 13 east, being attached portions of the respective towns of Clyde and Lexington, in the county of St. Clair, praying for an organization of a separate township; referred to the committee on towns and counties.

By Mr. Decker. Of Joseph M. Riggs and Morgan Riggs, administrators, praying for an act to convey real estate; referred to the committee on the judiciary.

REPORTS.

Mr. Wixom, pursuant to previous notice, introduced a bill to amend an act entitled "An act to provide for the disposition of persons apprehended within the county of Livingston;" referred to the committee on the judiciary.

Mr. Fitzgerald, from the select committee, to whom was referred sundry petitions and affidavits from citizens of Berrien county, in behalf of certain settlers on university and State lands, introduced a bill "for the relief of certain settlers on university and State lands;" laid upon the table, and

On motion of Mr. Finney,

Made the order of the day for Wednesday next, and ordered to be printed.

The Speaker announced a report from the State Geologist, in relation to iron ore and clay on the school section in township 5 south, range 7 west, in the county of Branch, which was laid upon the table, and ordered to be printed.

The Speaker announced a communication from the office of internal improvements, enclosing the petition of Silas R. Ball, of Kalamazoo, for remuneration of losses; referred to the committee on claims.

The Speaker also announced the following communications from the Governor.

EXECUTIVE DEPARTMENT, }
January 30th, 1839. }

To the House of Representatives :

I transmit for the information of the House of Representatives, a communication from the Treasurer in relation to the bonds given by the State deposit bank, for the safe keeping of the public moneys.

The original bonds of the bank for \$200,000 were given for the safe keeping of the surplus revenue and the five per cent fund.

S. T. MASON.

STATE TREASURER'S OFFICE, }
Detroit, Jan. 29th, 1839. }

To his Excellency, Governor MASON :

Sir : I have to inform you that the directors of the Michigan State bank have this day filed in this office, their penal bonds in the sum of five hundred thousand dollars, conditioned for the repayment of all moneys now deposited in that bank, or that may be hereafter deposited, by the Treasurer or otherwise, to the credit of the State.

I remain, Sir,

Your obedient serv't,

H. HOWARD, Treasurer.

EXECUTIVE DEPARTMENT, }
January 30th, 1839.

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State, the following acts, viz: "An act to extend the time for receiving the annual reports from certain school districts," "An act authorizing the county commissioners of the county of Wayne to dispose of their present county poor house, and for other purposes," and "An act to authorize to perform certain duties therein mentioned."

S. T. MASON.

RESOLUTIONS.

On motion of Mr. Goodwin,

Resolved, That the Attorney General lay before this House such information as he possesses in relation to the examination of the affairs of the Bank of Ypsilanti, and its present condition.

On motion of Mr. Adam,

Resolved, That so much of the report of the Superintendent of Public Instruction as relates to common schools and to the university and its branches, and the interests of education generally, be referred to the committee on education; and so much of said report as relates to the sales of university and school lands, and the university and school funds, to the committee on university and school lands.

On motion of Mr. Chapin,

Resolved, That the annual report of the Board of Internal Improvement be referred to the committee on internal improvement.

Mr. Livermore called up for consideration his resolution of yesterday, in relation to the appointment of a joint standing committee on State funds.

The subject being under discussion, Mr. Acker offered a substitute, which, together with the original resolution, was laid upon the table.

On motion of Mr. Little,

Resolved, That the State Treasurer be requested to report to this House, the amount of money on hand belonging to the school

fund, the kind of money received from the Superintendent of Public Instruction, if such funds were received on general or special deposit, what amount of uncurrent funds are on hand belonging to this fund, and if any provisions are necessary to be made by this Legislature to meet the drafts of the Superintendent of Public Instruction, in current funds.

On motion of Mr. Tucker,

The preamble and resolution from the Senate on the subject of an appropriation for a light-house and pier at Belvidere, were taken up, amended by striking out the preamble, and the resolution passed.

The bill making appropriation for the payment of John S. Bagg, State Printer, being under consideration, in committee of the whole, Mr. Smith in the chair, the committee, after some time spent thereon, rose and reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Adam,

It was ordered that the items constituting the bill of John S. Bagg, State Printer, be printed.

On motion of Mr. Adam,

The "Bill to extend the time of payment of the university and school moneys and for other purposes," was taken up, amended, read a third time and passed.

On motion of Mr. Mack,

The House resolved itself into committee of the whole on the bill to provide for an increase of the number of masters in chancery in the county of Wayne," Mr. Little in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House without amendment, and the rule was suspended, the bill read a third time and passed.

On motion of Mr. Gibbs,

The House resolved itself into committee of the whole on the "Bill to authorize the exemption of certain private and professional libraries," Mr. Seeley in the chair.

After some time spent thereon, the committee rose, reported progress, and asked leave to sit again.

Mr. Allen asked for and obtained leave of absence, for Mr. A. Allen, until Saturday next.

A message was received from the Senate by the secretary, Mr. At Lee, informing that the Senate had concurred in the joint resolution appointing an addition to the committee on the Washtenaw and Clinton banks, and that Mr. Curtis was appointed on the part of the Senate.

The Speaker then announced Mr. Hammond on the part of the House.

On motion of Mr. Chapin, the House adjourned.

THURSDAY, JANUARY 31.

The House met pursuant to adjournment, and the roll being called, Messrs. A. Allen, Mead and Lowry, were absent on leave.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Finney. Of the citizens of Portland, Ionia county, praying for a branch of the Clinton canal, to terminate at the navigable waters of Grand river; referred to the committee on internal improvement.

By Mr. Finney. Of Anthony Kopp and sundry citizens in Clinton county praying for the organization of a township; referred to the committee on towns and counties.

By Mr. McKee. Of Samuel Barber and others for organization of towns 7 and 8 north, of range 12 west; referred to the committee on towns and counties.

By Mr. McKee. Of citizens of Shiawassee county, relative to slavery; referred to the committee on that subject.

By Mr. Bacon. Of citizens of Monroe county, praying for the abolition of imprisonment for debt; referred to the committee on the judiciary.

By Mr. Tackles. Of the village of Romeo, Macomb county, asking an amendment of the act of incorporation of said village; referred to the committee on banks and incorporations.

By Mr. Little. Several petitions of citizens of Saginaw county, praying for an act of incorporation, to be styled the Genesee

and Saginaw navigation company, for the purpose of improving the Flint river and connecting the same by canal with the Cass river; referred to the committee on internal improvement.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred the petition of citizens of the village of Jackson, praying for an act of incorporation of said village, reported a bill, entitled "An act to incorporate the village of Jackson."

RESOLUTIONS.

On motion of Mr. Adam,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the library of the university of Michigan, shall be entitled to one copy of the journals and the documents of both Houses of the Legislature, at each session; and it shall be the duty of the Secretary of State, to cause copies of the same from the organization of the State government, to be put up and preserved in his office or in the State library, until a building for the university library shall be completed; and it shall be the further duty of the Secretary of State to procure for the university library copies of the laws passed by the State Legislature prior to the passage of the Revised Statutes, and copies of the laws and journals of the Territorial Legislatures, where more than one copy of the same may be in possession of the State, and put up and preserve the same as hereinbefore directed.

On motion of Mr. Ormsby,

Resolved, That the committee on internal improvement be instructed to inquire what legislative action is necessary, to secure to individuals payment for damage that may be sustained by them, by the running of locomotive engines or cars on any of the State rail roads, and report by bill or otherwise.

On motion of Mr. Tucker,

Resolved, That a select committee of five be appointed by the House of Representatives, to investigate the general accounts and proceedings of the Board of Commissioners of internal improvement, from the organization of the first board up to the present time, with power to send for persons and papers.

Whereupon, the Speaker announced as such committee Messrs. Tucker, Smith, Acker, Axford and Jennings.

On motion of Mr. Clark,

Resolved, That the committee on education be instructed to examine chapter 3, title 11, of part 1, of the Revised Statutes, with a view to its amendment, if necessary, and report by bill or otherwise.

On motion of Mr Adam,

Resolved, That the Secretary of State be requested to report to this House, what provision, if any, is necessary or proper to be made in relation to the distribution of the Gazetteer of Michigan, and what additional number of copies as near as may be, of said Gazetteer, and if any, would be required to furnish the several townships, and incorporated villages or cities of the State with one copy each.

On motion of Mr. Gibbs,

The joint resolution relative to the letting of the basement rooms of the capitol, to the county officers of Wayne, was considered and passed.

The Speaker announced a message from the Senate, by their secretary, Mr. At Lee, returning the bill "to amend part 3, title 1, chapter 3, Revised Statutes," with amendments; and the same being under consideration, the bill and amendments were laid upon the table.

The Speaker also announced the following message from the Senate:

SENATE CHAMBER,
Detroit, January 31st, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return the "bill for the payment of the expenses of the Regents of the university," and respectfully inform you, that the Senate do insist on their amendment thereto, and have appointed Messrs. Bradford, Greenly and Hawkins, a committee of conference thereon.

I am also instructed to return the joint resolution "concerning a steam revenue cutter," and respectfully inform you that the same has been concurred in by the Senate.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Whereupon, the House concurring in the appointment of a committee of conference, the Speaker announced Messrs. Adam, Gibbs, Finney, Hammond and Copeland, as such committee on the part of the House.

On motion of Mr. Hammond,

The "Bill making appropriations for the payment of John S. Bagg, State Printer," was taken up in committee of the whole, Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the bill with an amendment.

The House having the same under consideration, concurred in the report of the committee, and the bill was ordered to be engrossed for a third reading ; when,

On motion of Mr. Wixom, the House adjourned.

FRIDAY, FEBRUARY 1.

The House met pursuant to adjournment, and the roll being called, Messrs. Mead and Lowry were absent on leave, and Messrs. L. Allen, Beaufait, Eaton, King, and Renwick.

Prayer by the Rev. Mr. Badin,

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Sheldon. Of two hundred inhabitants of the counties of Wayne and Washtenaw, praying for an appropriation of money to repair the Chicago road from Detroit to Ypsilanti ; referred to the committee on roads and bridges.

By Mr. Hammond. Three several petitions, of sundry inhabitants of Wayne and Monroe counties, praying for the construction of a rail road from Havre through Monroe to Dearborn or Detroit ; referred to the committee on internal improvements.

By Mr. Finney. Of Hiram Allen and others, praying for the organization of a town in the county of Kent ; referred to the committee on towns and counties.

By Mr. Mack. Of John T. Kirchoffer to change his name to that of J. T. Kirk ; referred to the committee on the judiciary.

REPORTS.

Mr. Hammond, from the committee to whom was referred the petition of inhabitants of Romeo, reported a bill to amend an act incorporating the village of Romeo, county of Macomb, which was placed upon the general order and ordered to be printed.

RESOLUTIONS.

On motion of Mr. Axford,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of reducing the number of Commissioners of internal improvement, and report by bill or otherwise.

On motion of Mr. Decker,

Resolved, That the Attorney General be instructed to make out a list of each and every bank in this State that are under injunction and receivers have been appointed, giving the name of each receiver and his place of residence; also to the time given and when the same expires for the said receiver; also, for the Legislature to instruct the Chancellor as to the time given to receive for each bank, and that said list shall be published in the State newspaper of this state.

Mr. Adam called up the joint resolution of Mr. Smith, directing Treasurer to place to the credit of the Ypsilanti and Tecumseh rail road company, from the internal improvement fund, the balance due said company on account of the \$100,000 loan, authorized by an act of the last Legislature, and the same was adopted.

Mr. Acker called up for consideration the resolution of Mr. Livermore, relative to State funds, together with his amendment, and the question being taken, the amendment was adopted in the following words:

Resolved, That a select committee of five be raised by this House to inquire and report forthwith the condition of the funds belonging to this State; where they are, in what kind, and whether in their opinion they are now safe and available to the State, and that the inquiry extend to all the funds belonging to this State as well as to disbursements made under the law of the last session of the Legislature, and that they have power to send for persons and papers.

The Speaker announced Messrs. Acker, Clark, Davis, Howland and Decker, as such committee.

On motion of Mr. Hammond,

A joint resolution appointing K. Pritchette and A. Felch, commissioners on the part of the Legislature to examine into the affairs of the Oakland County Bank and the Bank of Macomb County, was adopted, and the same sent to the Senate for concurrence.

Mr. Wixom gave notice, that at some future time he should ask leave to introduce a bill repealing so much of part 3, title 1, chapter 3 of the Revised Statutes, as requires the judges of the supreme court to hold three terms of the circuit court in the counties of Oakland, Washtenaw, and Monroe, in one year, and so fix the time of holding two circuit courts in each of said counties, in each and every year; and also to repeal so much of part 3, title 2, chapter 1 of the Revised Statutes, which authorizes the commencement of suit, in certain cases, by service of declaration.

Mr. Livermore called up the memorial and joint resolution relative to the military roads commenced by the general government in the State of Michigan, and the same were adopted.

Mr. Fitzgerald called up the joint resolution relative to settlers on public lands, which was amended to read as follows, and adopted:

Be it resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representative in Congress be, and they are hereby requested, to use their best exertions to obtain the consent of Congress for this State to select other lands belonging to the United States, which are unoccupied, in lieu of those lands which were located for university and State purposes, upon the improvements of actual settlers; and also that they endeavor to secure to such settlers, their right of pre-emption to said lands, so that its benefit shall extend to the widow and children of any deceased settler.

An amendment of Mr. Wixom, to read as follows, after the words "actual settlers," being rejected:

"Provided, that said settlers had entered upon, and made improvements on said lands, prior to the location of said lands by authority of the State for university or State purposes."

The yeas and nays being called for, on motion of Mr. Fitzgerald, the vote on the resolution stood as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Meacham, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Near, |
| Mr. Axford, | Mr. Goodwin, | Mr. Newton, |
| Mr. Bacon, | Mr. Grovier, | Mr. Ormsby, |
| Mr. Brown, | Mr. Hammond, | Mr. Patterson, |
| Mr. Chapin, | Mr. Howland, | Mr. Pond, |
| Mr. Chase, | Mr. Hooker, | Mr. Saunders, |
| Mr. Clark, | Mr. Jennings, | Mr. Seeley, |
| Mr. Copeland, | Mr. Levake, | Mr. Sheldon, |
| Mr. Davis, | Mr. Little, | Mr. Shurts, |
| Mr. Decker, | Mr. Livermore, | Mr. Smith, |
| Mr. Dort, | Mr. Mack, | Mr. Speaker, |
| Mr. Durocher, | | |

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NAYS.

Mr. Wixom,

1

The House then, on motion of Mr. Adam, took up the bill making appropriations for the payment of John S. Bagg, State Printer, and the same being read a third time and the yeas and nays being called for, was passed by the following vote :

YEAS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Grovier, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chapin, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chase, | Mr. Little, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Stout, |
| Mr. Finney, | Mr. Ormsby, | Mr. Tackles, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tucker, |
| Mr. Gibbs, | Mr. Pond, | Mr. Wixom, |
| Mr. Goodwin, | | |

31

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Davis, | Mr. Meacham, |
| Mr. L. Allen, | Mr. Durocher, | Mr. Near, |

| | | | |
|---------------|--------------|-------------|----|
| Mr. Brown, | Mr. Howland, | Mr. Newton, | |
| Mr. Copeland, | Mr. Hooker, | | 11 |

The Speaker announcing the special order of the day, the House went into committee of the whole on the resolutions to instruct the committee on the militia, Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported progress, and asked leave to sit again.

On motion of Mr. Finney,

The House adjourned.

SATURDAY, FEBRUARY 2.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. Eaton and Lowry, on leave, and Messrs. King, Levake, Livermore, Sheldon, Ormsby, Tackels and Jennings.

Prayer by the Rev. Mr. Badin.

Mr. Wixom asked for and obtained leave of absence for Mr. Livermore, until Monday.

Mr. Dort for Mr. Sheldon, the same.

Mr. Renwick for Mr. Ormsby, the same.

Mr. Axford for Mr. Tackels, the same.

Mr. for Mr. Jennings, until Tuesday:

Mr. Finney for Mr. McKee.

PETITIONS.

By Mr. Little. Of the collectors on the central railroad, praying for relief; referred to the committee on claims.

By Mr. Dort. Of sundry officers of the militia in the county of Wayne, praying for remuneration of expenses incurred by being called into the service of the United States, by the Executive, on a requisition of General Hugh Brady, of the United States army, in the month of February, 1838; referred to the committee on claims.

By Mr. Smith. Of 145 citizens of Lenawee county, for a repeal of laws authorizing the sale of intoxicating liquors, and for the enacting of a law prohibiting their sale as a common beve-

rage ; referred to a select committee, consisting of Messrs. Goodwin, Hooker, Shurts, Meacham and Grovier.

REPORTS.

The committee on library reported back to the House the communication of the Governor, together with the letter of Maj. General Gaines, which was accompanied by a diagram of his system of railroads, and the same was referred to the committee on the militia.

Mr. Goodwin, from the committee on libraries, reported as follows :

The committee on libraries, to whom was committed certain duties in relation to the profile of railroads in the United States by Maj. General Gaines, have caused the same to be handsomely cased and suspended in the State library as a perpetual memorial of its author, and respectfully recommend the adoption of the following resolution :

Resolved, That the thanks of the Senate and House of Representatives of the State of Michigan be tendered to Maj. General Edmund P. Gaines, for the valuable profile of his system of projected railroads in the United States.

Mr. Goodwin, from the committee on university and school lands, reported a " Bill to ascertain the value of a certain school section in the county of Branch," which was placed upon the general order, and ordered to be printed.

Mr. Dort laid the following resolution upon the table :

Resolved, That the judiciary committee be requested to report forthwith to this House, the expediency of so amending the law for the collection of promissory notes and bills of exchange as to compel the plaintiff's attorney to issue the writ or commence suit against the drawer and endorser jointly, and also the expediency of so amending the law relating to executions, as that any execution, issued out of any court of record in this State, may be levied on any property of the defendant situated any where in the State ; and also the expediency of repealing so much of chapter 4, title 7, of " Bills of exchange and promissory notes," as now authorizes the charge of exchange, or damages upon bills of exchange, or notes duly protested for non-acceptance or non-payment, as provided in section 10, of the above mentioned chapter

Mr. Dort gave notice that at some future day he should ask leave to bring in a bill to secure laborers their wages, for work done on the public works in this State.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Le.

SENATE CHAMBER,
Detroit, February 2, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return the joint resolution in relation to the Oakland county bank and the Bank of Macomb county, and respectfully inform you that the Senate have concurred therein with an amendment.

Also, the memorial and resolutions relative to military roads, in which the Senate have concurred.

Also, the bill to provide for an increase of the number of masters in chancery in the county of Wayne, in which the Senate have concurred, with an amendment.

I also herewith transmit a bill regulating prison limits, which has passed the Senate.

I also herewith return the joint resolution in relation to a light-house and pier at Belvidere, and respectfully inform you that the Senate do insist on retaining the preamble thereto.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Whereupon, the amendment to the resolution in relation to the Oakland county bank and the Bank of Macomb county, was concurred in by the House, and the same ordered to be returned to the Senate.

The amendment to the "Bill to provide for an increase of the number of masters in chancery in the county of Wayne," was also concurred in.

The bill entitled "A bill regulating prison limits," was referred to the committee on the judiciary, reported by their chairman, Mr. Gibbs, with an amendment, the rule suspended, read a third time, passed, and ordered to be sent to the Senate.

The "preamble and resolution in relation to a light-house and pier at Belvidere," being under consideration, on motion of Mr.

Pond, the House receded from its amendment, by the following vote.

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Near, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Bacon, | Mr. Grovier, | Mr. Renwick, |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Dort, | | |

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NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. A. Allen, | Mr. Decker, | Mr. Smith, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Chapin, | Mr. Hammond, | Mr. Wixom, |

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On motion of Mr. Goodwin,

The "Bill to extend the time of payment of the university and school moneys and for other purposes," being under consideration, the same was read a third time and passed.

The House then resolved itself into committee of the whole, Mr. Seeley in the chair, on the "Bill to authorize the exemption of certain private and professional libraries from execution," and after some time spent thereon, the committee rose and reported progress, asked for and obtained leave to sit again.

The Speaker announced a communication from A. Felch, Esq., Bank Commissioner, accompanied by a report in relation to the Bank of Ypsilanti, which was laid upon the table and ordered to be printed.

On motion of Mr. Hooker,

The House adjourned.

MONDAY, FEBRUARY 4.

The House met pursuant to adjournment ; the roll being called, Mr. Jennings was absent on leave, and Messrs. Lowry and Mack.

Prayer by the Rev. Mr. Badin.

Mr. Fitzgerald announced the indisposition of Mr. Mack, and asked for and obtained for him, leave of absence.

PETITIONS.

By Mr. Acker. Two several petitions of inhabitants of Jackson county, praying for the improvement of the St. Joseph river and for a canal ; referred to the committee on internal improvement.

By Mr. Finney. Of sundry citizens of Kent and Ottawa counties, praying for a State road north of Grand river ; referred to the committee on roads and bridges.

By Mr. Seeley. Of sundry inhabitants of Hillsdale county, praying that the seat of justice may be removed from the village of Jonesville to the village of Hillsdale ; referred to the committee on towns and counties.

By Mr. Fitzgerald. A remonstrance signed by 539 inhabitants in the county of Hillsdale, against the removal of the seat of justice from the village of Jonesville in said county ; referred to committee on towns and counties.

Also of 40 inhabitants of the county of Hillsdale, who had signed a petition for such removal, which was referred to the same committee.

By Mr. Goodwin. Four petitions from citizens of Branch, St. Joseph and Calhoun counties, praying for improvement of the St. Joseph river and survey of a canal ; referred to committee on internal improvement.

Also, of sundry citizens of Burlington, in the county of Calhoun, on the subject of education and district libraries, and also a letter of Elisha Tyler on the same subject, which were referred to the committee on education.

By Mr. Copeland. Of the stockholders of the Merchants' Bank of Jackson county, praying for a charter ; referred to the committee on banks and incorporations.

By Mr. Fitzgerald. Of sundry citizens of Livingston and Oakland counties, praying for an alteration in the boundary line between said counties; referred to a select committee, consisting of Messrs. Fitzgerald, Clark, Jennings, Seeley and Copeland.

The Speaker announced a communication from the State Geologist, accompanied by his report, which was laid upon the table and five hundred copies ordered to be printed.

On motion of Mr. Clark,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the Revised Statutes, and other laws in relation thereto, as to prohibit sheriffs from doing business before justices of the peace, and report by bill or otherwise.

On motion of Mr. Hooker,

Resolved, That the committee on internal improvement be instructed to inquire into the propriety of changing the location of the Havre Branch railroad in such manner that it shall intersect the southern rail road at the city of Monroe, and to report by bill or otherwise.

On motion of Mr. Adam,

The "Bill regulating prison limits," was re-considered, amended on motion of Mr. Gibbs from the committee on the judiciary, read a third time and passed.

On motion of Mr. Allen,

Three hundred extra copies of the Bank Commissioner's report relative to Ypsilanti Bank, were ordered to be printed.

On motion of Mr. Acker,

The House resolved itself into committee of the whole on the "Bill to authorize the exemption of certain private and professional libraries from execution," Mr. Seeley in the chair.

And, after some time spent thereon, rose and reported the same back with amendments, which were concurred in by the House.

The same being under consideration, Mr. Davis moved that all after the enacting clause be stricken out, when the yeas and nays being called for by Mr. Adam, the motion was rejected by the following vote :

YEAS.

Mr. L. Allen,

Mr. Durocher,

Mr. Patterson,

| | | |
|---------------|-------------|--------------|
| Mr. Beaufait, | Mr. Eaton, | Mr. Renwick, |
| Mr. Davis, | Mr. King, | Mr. Stout, |
| Mr. Dort, | Mr. Ormsby, | |

11

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Near, |
| Mr. Adam, | Mr. Goodwin, | Mr. Newton, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Hammond, | Mr. Saunders, |
| Mr. Bacon, | Mr. Howland, | Mr. Seeley, |
| Mr. Brown, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Levake, | Mr. Shurts, |
| Mr. Chase, | Mr. Little, | Mr. Smith, |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, |
| Mr. Copeland, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. Mead, | Mr. Tucker, |
| Mr. Finney, | Mr. McKee, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

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A motion to amend by Mr. Chapin, after the words "family portraits," by inserting "the appraisal in every such case shall be made by three disinterested persons under oath, administered by the officer serving the precept," being lost, and other amendments thereto, the bill was ordered to be engrossed for a third reading.

On motion, the House adjourned.

TUESDAY, FEBRUARY 5.

The House met pursuant to adjournment. The roll being called, there were absent Messrs. Fitzgerald, McKee and Levake.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and amended.

PETITIONS.

By Mr. Finney. Of sundry citizens of Kent county, praying for appropriations for the improvement of Grand river; referred to the committee on internal improvement.

By Mr. Finney. Of A. D. Rathbone and 44 other citizens of Grand Rapids, in Kent county, praying for a State bank with a branch at that place; referred to the committee on banks and incorporations.

By Mr. Acker. Six petitions of 250 inhabitants of the town of Napoleon in Jackson county, for the division of said town; referred to the committee on towns and counties.

By Mr. Mack. An account of George L. Whitney, for printing; referred to the committee on claims.

REPORTS.

Mr. Mack, from the select committee in relation to unpaid taxes, reported "A bill extending the time to the collectors of taxes for 1839;" placed upon the general order and ordered to be printed.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Hammond,

Resolved, That the report of Alpheus Felch, Esq. Bank Commissioner, upon the state of the Bank of Ypsilanti, be referred to a select committee of three, to report what action thereon is, in their opinion, necessary, and if they think it proper or expedient to make further investigation, to do so, with power to send for persons and papers.

Whereupon, the Speaker announced Messrs. Hammond, Goodwin and Tucker, as said committee.

On motion of Mr. Axford,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the fifth chapter and se-

cond section of the Revised Statutes, so as to give justices of the peace jurisdiction to the amount of fifty dollars and under in actions of replevin, and report by bill or otherwise.

Mr. Gibbs gave notice, that leave will be asked at some future day to bring in a bill for the establishment of a State road from Bellevue in Eaton, to Marshall in the county of Calhoun.

Mr. Finney gave notice, that at some future day he should ask leave to bring in a bill amendatory to an act incorporating the Port Sheldon and Grand Rapids railroad.

On motion of Mr. Adam, the "Bill to authorize the exemption of certain libraries from execution," was taken up, read a third time and passed.

On motion of Mr. Adam,

Resolved, That in pursuance of the provision of the Constitution of the United States, requiring the election of Senators to the Congress of the United States, by the legislatures of the several states, and the provisions of the statutes of this State, designating the time and mode of proceeding in said election, this House will now proceed to nominate one person for the office of Senator to the Congress of the United States, in the place of the Hon. Lucius Lyon, whose term expires on the fourth day of March next.

Mr. Goodwin moved a call of the House, which was sustained, and Messrs. Fitzgerald and Leake were absent, and the sergeant-at-arms was directed to bring in absent members.

Mr. Fitzgerald appeared and took his seat, when, on motion of Mr. Adam, the order of the call of the House was suspended, and the names being then called by the clerk, each member rose in his place and announced his candidate, and the first vote stood as follows:

First Vote.

FOR AUGUSTUS A. PORTER.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | |

FOR EPAPHRODITUS RANSOM.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Finney, | Mr. McKee, | | 11 |

FOR JOHN EIDDLE.

| | | | |
|---------------|-----------|---------------|---|
| Mr. Axford, | Mr. King, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Mack, | Mr. Tackels, | |
| Mr. Dort, | | | 7 |

FOR RANDOLPH MANNING.

| | | | |
|------------|----------------|------------|---|
| Mr. Chase, | Mr. Decker, | Mr. Wixom, | |
| Mr. Clark, | Mr. Livermore, | | 5 |

FOR WARNER WING.

| | | | |
|---------------|--------------|-------------|---|
| Mr. Durocher, | Mr. Grovier, | Mr. Seeley, | 3 |
|---------------|--------------|-------------|---|

FOR ROSS WELKINS.

| | | | |
|------------|--------------|--|---|
| Mr. Eaton, | Mr. Sheldon, | | 2 |
|------------|--------------|--|---|

FOR LUCIUS LYON.

| | | | |
|--------------|--|--|---|
| Mr. Speaker, | | | 1 |
|--------------|--|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

Second Vote.

FOR AUGUSTUS S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | | 20 |

FOR EPAPHRODITUS RANSOM.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Finney, | | | 10 |

FOR JOHN EIDDLE.

| | | | |
|---------------|-----------|---------------|---|
| Mr. Axford, | Mr. King, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Mack, | Mr. Tackels, | |
| Mr. Dort, | | | 7 |

FOR RANDOLPH MANNING.

| | | | |
|-------------|----------------|------------|---|
| Mr. Chase, | Mr. Eaton, | Mr. McKee, | |
| Mr. Clark, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Decker, | | | 7 |

FOR WARNER WING.

| | | | |
|---------------|--------------|-------------|---|
| Mr. Durocher, | Mr. Grovier, | Mr. Seeley, | 3 |
|---------------|--------------|-------------|---|

FOR LUCIUS LYON.

| | | | |
|--------------|--------------|--|---|
| Mr. Speaker, | Mr. Sheldon, | | 2 |
|--------------|--------------|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

Third Vote.

FOR AUGUSTUS S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | | 20 |

FOR EPAPHRODITUS RANSOM.

| | | | |
|---------------|-----------------|--------------|---|
| Mr. Adam, | Mr. Finney, | Mr. Goodwin, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Smith, | 9 |

FOR JOHN BIDDLE.

| | | | |
|---------------|----------------|---------------|---|
| Mr. Axford, | Mr. King, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Mack, | Mr. Tackels, | |
| Mr. Dort, | Mr. Patterson, | | 8 |

FOR RANDOLPH MANNING.

| | | | |
|-------------|----------------|------------|---|
| Mr. Chase, | Mr. Eaton, | Mr. McKee, | |
| Mr. Clark, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Decker, | | | 7 |

FOR WARNER WING.

| | | | |
|---------------|--------------|--|---|
| Mr. Durocher, | Mr. Grovier, | | 2 |
|---------------|--------------|--|---|

FOR LUCIUS LYON.

| | | | |
|--------------|--------------|--|---|
| Mr. Speaker, | Mr. Sheldon, | | 2 |
|--------------|--------------|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

On motion of Mr. Wixom,

The House adjourned.

WEDNESDAY, FEBRUARY 6.

The House met pursuant to adjournment, and the roll being called, Mr. Levake was absent.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Goodwin. Of sundry citizens of Burlington and Tonksha, for improvements of the St. Joseph river and survey of a canal; referred to the committee on internal improvement.

By Mr. Lowry. Of inhabitants of Jackson county, asking for an alteration in the State road running through said county; referred to the committee on roads and bridges.

By Mr. Mead. Of sundry inhabitants of the county of Washenaw, praying for compensation for military services rendered in maintaining the supremacy of the laws in regard to our southern boundary; referred to the committee on claims.

By Mr. Chapin. A claim of E. J. Van Buren for printing; referred to the same committee.

By the Speaker. Of Amos E. Steele and others, for establishing a State road from Bellevue to Grand river; referred to the committee on roads and bridges.

By Mr. Fitzgerald. Three several remonstrances of inhabitants of the towns of Iena, Handy and Ocoola, in the county of Livingston, against annexing towns from the county of Oakland to the county of Livingston; referred to the select committee on that subject.

By Mr. Durocher. Of the trustees and congregation of the French catholic church, at Monroe, for the confirmation of a grant; referred to the committee on the judiciary.

By Mr. Durocher. Three several petitions for a railroad from Havre in the county of Monroe, via Monroe, Brest, Dearbornville to Detroit; referred to the committee on internal improvement.

REPORTS.

Mr. Gibbs, chairman of the committee on judiciary, reported the following entitled bills, which were placed upon the general order:

"A bill to change the name of John F. Kirchoffer."

"A bill to amend chapter 2 of title 7 of part 1 of the Revised Statutes."

"A bill to provide for the renewal of sheriffs bonds."

Mr. Adam, from the committee of conference on the disagreement between the two Houses on the "Bill to provide for the payment of the expenses of the Regents of the university in certain cases," reported, that they have instructed him to report in favor of retaining the second section as it passed the House of Representatives, and amending the same by adding thereto the words "unless sooner repealed."

And the House concurred therein.

Mr. King, from the committee on enrolment, reported as correctly enrolled

"An act to provide for an increase of the number of masters in chancery in the county of Wayne."

"An act to amend an act incorporating the village of Kalamazoo."

"A joint resolution and memorial relating to military roads."

"A joint resolution relating to the Oakland and Macomb county banks."

"A joint resolution in relation to a steam revenue cutter."

Also, "a joint resolution in relation to university and State lands."

And the same severally received the signature of the Speaker and were sent to the President of the Senate.

On motion of Mr. Adam, the House then took up the unfinished business of yesterday, being the nomination of a Senator to Congress, and the names of the members being called, the vote stood as follows:

FOR AUGUSTUS S. PORTER.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | |

FOR EFAPH. RANSOM.

| | | | |
|---------------|-----------------|--------------|---|
| Mr. Adam, | Mr. Finney, | Mr. Goodwin, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Gibbs, | | 8 |

FOR JOHN BIDDLE.

| | | | |
|---------------|-----------|----------------|---|
| Mr. Axford, | Mr. Dort, | Mr. Mack, | |
| Mr. Beaufait, | Mr. King, | Mr. Patterson, | 6 |

FOR RANDOLPH MANNING.

| | | | |
|------------|----------------|------------|---|
| Mr. Chase, | Mr. Decker, | Mr. Wixom, | |
| Mr. Clark, | Mr. Livermore, | | 5 |

FOR WARNER WING.

| | | | |
|---------------|-------------|--------------|---|
| Mr. Durocher, | Mr. Seeley, | Mr. Tackels, | |
| Mr. Grovier, | | | 4 |

FOR LUCIUS LYON.

| | | | |
|--------------|--|--|---|
| Mr. Speaker, | | | 1 |
|--------------|--|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

FOR ROSS WILKINS.

| | | | |
|------------|--------------|--|---|
| Mr. Eaton, | Mr. Sheldon, | | 2 |
|------------|--------------|--|---|

FOR D. GOODWIN.

| | | | |
|---------------|--|--|---|
| Mr. Saunders, | | | 1 |
|---------------|--|--|---|

FOR S. N. GREEN.

| | | | |
|------------|--|--|---|
| Mr. McKee, | | | 1 |
|------------|--|--|---|

FOR HENRY SMITH.

| | | | |
|------------|--|--|---|
| Mr. Smith, | | | 1 |
|------------|--|--|---|

There being no election, the House proceeded to another ballot, which resulted as follows :

FOR AUGUSTUS S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | | 20 |

FOR EFAPH. RANSOM.

| | | | |
|---------------|-----------------|--------------|---|
| Mr. Adam, | Mr. Finney, | Mr. Goodwin, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Gibbs, | | 8 |

FOR JOHN BIDDLE.

| | | | |
|-------------|-----------|---------------|---|
| Mr. Axford, | Mr. King, | Mr. Saunders, | |
| Mr. Dort, | Mr. Mack, | | 5 |

FOR RANDOLPH MANNING.

| | | | |
|------------|----------------|------------|---|
| Mr. Chase, | Mr. Decker, | Mr. Wixom, | |
| Mr. Clark, | Mr. Livermore, | | 5 |

FOR WARNER WING.

| | | | |
|---------------|-------------|--------------|---|
| Mr. Durocher, | Mr. Seeley, | Mr. Tackels, | |
| Mr. Grovier, | | | 4 |

FOR K. S. BINGHAM.

| | | | |
|---------------|------------|--|---|
| Mr. Beaufait, | Mr. McKee, | | 2 |
|---------------|------------|--|---|

FOR BOSS WILKINS.

| | | | |
|------------|--------------|--|---|
| Mr. Eaton, | Mr. Sheldon, | | 2 |
|------------|--------------|--|---|

FOR LUCIUS LYON.

| | | | |
|--------------|--|--|---|
| Mr. Speaker, | | | 1 |
|--------------|--|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

FOR ROBERT M'CLELLAND.

| | | | |
|----------------|--|--|---|
| Mr. Patterson, | | | 1 |
|----------------|--|--|---|

FOR JOSEPH W. BROWN.

| | | | |
|------------|--|--|---|
| Mr. Smith, | | | 1 |
|------------|--|--|---|

There being no choice, the House proceeded to another vote, which resulted as follows :

FOR AUGUSTUS S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, | |
| Mr. Bacon, | Mr. Lowry, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Little, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, | |
| Mr. Davis, | Mr. Mead, | Mr. Tucker, | |
| Mr. Hammond, | | | 19 |

FOR EPHRAIM HANSON.

| | | | |
|-------------|-----------------|-------------|---|
| Mr. Adams, | Mr. Fitzgerald, | Mr. Shurtz, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Smith, | |
| Mr. Finney, | Mr. Goodwin, | Mr. Seeley, | 9 |

FOR J. BIDDLE.

| | | | |
|---------------|-----------|----------------|---|
| Mr. Axford, | Mr. Dort, | Mr. Mack, | |
| Mr. Beaufait, | Mr. King, | Mr. Patterson, | 6 |

FOR B. MANNING.

| | | | |
|------------|----------------|------------|---|
| Mr. Chase, | Mr. Decker, | Mr. Wixon, | |
| Mr. Clark, | Mr. Livermore, | | 5 |

FOR W. WING.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Durocher, | Mr. Grovier, | Mr. Tackels, | 3 |
|---------------|--------------|--------------|---|

FOR R. WILKINS.

| | | | |
|------------|--------------|--|---|
| Mr. Eaton, | Mr. Sheldon, | | 2 |
|------------|--------------|--|---|

FOR L. LYON.

| | | | |
|---------------|--------------|--|---|
| Mr. Beaufait, | Mr. Speaker, | | 2 |
|---------------|--------------|--|---|

FOR A. J. COMSTOCK.

| | | | |
|---------------|----------------|--|---|
| Mr. A. Allen, | Mr. Patterson, | | 2 |
|---------------|----------------|--|---|

FOR B. H. LOSTROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

FOR BENJAMIN WOODWORTH.

| | | | |
|-------------|--|--|---|
| Mr. Hooker, | | | 1 |
|-------------|--|--|---|

FOR STEPHEN T. J. B. & T. M'KINNEY.

| | | | |
|------------|--|--|---|
| Mr. McKee, | | | 1 |
|------------|--|--|---|

On motion of Mr. Adams,

The order of the day was then postponed until to-morrow.

On motion of Mr. Fitzgerald,

The House then resolved itself into committee of the whole, on the "Bill for the relief of certain settlers on university and State lands," Mr. Gibbs in the chair; and after some time spent thereon, rose and reported the same back to the House with amendments.

The House having the same under consideration, and an amendment being offered by Mr. McKee,

On motion of Mr. Acker,

The House adjourned.

THURSDAY, FEBRUARY 7.

The House met pursuant to adjournment, and the roll being called, Mr. Levake was absent.

Prayer by the Rev. Mr. Badin,

The journal of yesterday was read and approved.

Mr. Ormsby presented the certificate of election of Nathan Pierce, from the county of Washtenaw, as a representative in place of Calvin Smith, Esq. deceased, and the Speaker administered the oath of office, and Mr. Pierce took his seat as a member of the House.

PETITIONS.

By Mr. Hammond. Five several petitions, of 275 inhabitants of the counties of Washtenaw and Wayne, praying for aid in the construction of a canal from Gibraltar to Ypsilanti, by virtue of the charter of Gibraltar and Flat rock company; referred to the committee on banks and incorporations.

By Mr. Wixom. Two several petitions of 79 inhabitants of Tuscola, Livingston county, against annexing a portion of Oakland county to the county of Livingston; referred to select committee on that subject.

Mr. , presented the petition of Ephraim Meach and others, for the organization of a town in Ingham; referred to committee on towns and counties.

By Mr. Howland. Of sundry inhabitants of the township of Metamora, county of Lapeer, praying that certain acts of said township may be legalized; referred to the committee on the judiciary.

By Mr. Copeland. Of sundry inhabitants of the town of Napoleon, in the county of Jackson, praying for a division of said town; referred to the committee on towns and counties.

Also, several petitions of sundry inhabitants of the county of Jackson, praying that the banks organized under the general banking law, and the chartered banks, may be placed upon a more equal footing in respect to restrictions and privileges; referred to the committee on banks and incorporations.

REPORTS.

Mr Little, pursuant to previous notice, introduced "A bill estab-

lishing the counties of Tuscola and Iosco, and defining the boundaries of the county of Sanilac;" referred to the committee on towns and counties.

The Speaker announced the following communication from the Governor.

EXECUTIVE DEPARTMENT, }
February 5, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State, "A joint resolution appointing commissioners to examine the Oakland county bank and the Macomb county bank."

S. T. MASON.

The Speaker also announced the following message from the Senate :

SENATE CHAMBER, }
February 5, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed to inform the House, that the Senate have concurred in the amendments made by the House to the bill "regulating prison limits."

I also herewith transmit "A joint resolution in relation to a Marine hospital," and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

On motion of Mr. Acker,

The House proceeded to the consideration of the unfinished business of yesterday, it being the nomination of a Senator to Congress ; and the names of the members being called, the vote stood as follows :

FOR A. S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | Mr. Pierce, | 21 |

FOR A. FELCH.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Adam, | Mr. Dort, | Mr. Seeley, | |
| Mr. A. Allen, | Mr. Eaton, | Mr. Sheldon, | |
| Mr. Chase, | Mr. King, | Mr. Smith, | |
| Mr. Clark, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Decker, | Mr. Patterson, | | 14 |

FOR E. RANSOM.

| | | | |
|---------------|-------------|--------------|---|
| Mr. Beaufait, | Mr. Finney, | Mr. Goodwin, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Shurts, | 6 |

FOR W. WING.

| | | | |
|---------------|--------------|---------------|---|
| Mr. Axford, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, | 6 |

FOR L. LYON.

| | | | |
|-----------------|--------------|--|---|
| Mr. Fitzgerald, | Mr. Speaker, | | 2 |
|-----------------|--------------|--|---|

FOR J. BIDDLE.

| | | | |
|-----------|--|--|---|
| Mr. Mack, | | | 1 |
|-----------|--|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

There being no choice, the House proceeded to a second vote, which stood as follows:

FOR A. S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hammond, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Mead, | |
| Mr. Bacon, | Mr. Hooker, | Mr. Near, | |
| Mr. Brown, | Mr. Jennings, | Mr. Newton, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Tucker, | |
| Mr. Davis, | Mr. Little, | Mr. Pierce, | 18 |

FOR A. FELCH.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Adam, | Mr. Dort, | Mr. Saunders, | |
| Mr. A. Allen, | Mr. Eaton, | Mr. Seeley, | |
| Mr. Chase, | Mr. King, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, | |
| Mr. Decker, | Mr. Patterson, | Mr. Wixom, | 15 |

FOR W. WING.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Axford, | Mr. McKee, | Mr. Speaker, | |
| Mr. Durocher, | Mr. Ormsby, | Mr. Stout, | |
| Mr. Grovier, | Mr. Renwick, | Mr. Tackels, | 9 |

FOR E. RANSOM.

| | | | |
|---------------|-------------|--------------|---|
| Mr. Beaufait, | Mr. Finney, | Mr. Goodwin, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Shurts, | 6 |

FOR J. BIDDLE.

| | | | |
|-----------------|-----------|--|---|
| Mr. Fitzgerald, | Mr. Mack, | | 2 |
|-----------------|-----------|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

There being no choice, the House proceeded to another vote, which stood as follows :

FOR A. S. PORTER.

| | | | |
|---------------|---------------|-------------|----|
| Mr. Acker, | Mr. Jennings, | Mr. Newton, | |
| Mr. Bacon, | Mr. Meacham, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Near, | Mr. Stout, | |
| Mr. Hooker, | | | 10 |

FOR A. FELCH.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Seeley, | |
| Mr. A. Allen, | Mr. King, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, | |
| Mr. Clark, | Mr. Patterson, | Mr. Wixom, | |
| Mr. Eaton, | | | 13 |

FOR W. WING.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Axford, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Ormsby, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Renwick, | | 8 |

FOR E. RANSOM.

| | | | |
|---------------|--------------|-------------|---|
| Mr. Beaufait, | Mr. Gibbs, | Mr. Mead, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurts, | |
| Mr. Finney, | | | 7 |

FOR J. BIDDLE.

| | | | |
|------------|------------|-----------|---|
| Mr. Davis, | Mr. Lowry, | Mr. Mack, | 3 |
|------------|------------|-----------|---|

FOR N. H. FINNEY.

| | | | |
|--------------|--|--|---|
| Mr. Hammond, | | | 1 |
|--------------|--|--|---|

FOR T. FITZGERALD.

| | | | |
|--------------|--|--|---|
| Mr. Howland, | | | 1 |
|--------------|--|--|---|

FOR E. L. FULLER.

| | | | |
|---------------|--|--|---|
| Mr. L. Allen, | | | 1 |
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|---------------|---------------------|---|
| | FOR E. E. LOTHROP. | |
| Mr. Pond, | | 1 |
| | FOR H. H. COMSTOCK. | |
| Mr. Brown, | | 1 |
| | FOR W. F. MOSELY. | |
| Mr. Little, | | 1 |
| | FOR C. N. ORMSBY. | |
| Mr. McKee, | | 1 |
| | FOR A. WALES. | |
| Mr. Dort, | | 1 |
| | FOR J. STILSON. | |
| Mr. Saunders, | | 1 |
| | FOR W. DRAPER. | |
| Mr. Tucker, | | 1 |

There being no choice, Mr. Clark moved to postpone the order of the day until to-morrow, when Mr. Ormsby called for the yeas and nays, and the vote stood as follows :

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Clark, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, | 27 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Pierce, | |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, | |
| Mr. Durocher, | Mr. Mead, | Mr. Tackles, | |
| Mr. Hammond, | Mr. McKee, | Mr. Tucker, | 24 |

On motion of Mr. Acker, the House then adjourned until tomorrow morning at 10 o'clock.

FRIDAY, FEBRUARY 8.

The House met pursuant to adjournment, and the roll being called, was absent Mr. Levake.

Prayer by Rev. Mr. Badin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Acker. Of sundry inhabitants of the town of Concord, Jackson county, for the improvement of the St. Joseph river and for a canal; referred to the committee on internal improvement.

Also, a petition of the inhabitants of Concord and Pulaski, in Jackson county, for the appointment of commissioners to lay out a State road from Jonesville, Hillsdale county, to the mouth of Spring Brook; on Grand River, in Eaton county; referred to the committee on roads and bridges.

Also, an affidavit of Nicholas Sullivan, with an accompanying notice, for the organization of a town in Ingham county; referred to the committee on towns and counties.

By Mr. Eaton. Of inhabitants of the town of Plymouth, praying that the acts of the officers of school district No. 7, may be legalized; referred to the committee on the judiciary.

By Mr. Finney. Of the board of supervisors of Ionia county, praying that certain acts may be legalized; referred to the committee on the judiciary.

By Mr. Mead. Of 12 freeholders of Michigan city, for the alteration of the name of Michigan city to that of Franklin; referred to the committee on towns and counties.

By Mr. McKee. Of sundry inhabitants of the town of Dewitt, for the organization of towns five and six north, of range one and two west.

Also, three petitions for the organization of Clinton county; severally referred to the committee on towns and counties.

By Mr. Pond. Of sundry inhabitants of the township of Elizabeth, in Branch county, praying to have the name of their township changed to that of Boston; referred to the same committee.

By Mr. Seeley. Of sundry inhabitants of Hillsdale county, praying for the removal of the seat of justice from Jonesville to Hillsdale; referred to the same committee.

By Mr. Chapin. Of 106 citizens of St. Joseph county, praying that permission may be granted to James B. Dunkin, to construct a dam across the Nottawa Creek, and to flow a small proportion of a section of university lands; referred to the committee on the university and school lands.

By Mr. Saunders. Of sundry citizens of counties of Monroe and Wayne, praying for the construction of a railroad from Havre through Monroe to Dearbornville or Detroit, thence to Fort Gratiot, and for a sufficient appropriation for that object referred to the committee on internal improvement.

By Mr. Saunders. Of sundry citizens of the county of Wayne, praying for the appropriation of a sufficient sum of money to repair the Chicago and Grand River roads; referred to the committee on ways and means.

By Mr. Mack. Of N. B. Carpenter, inspector of provisions for the county of Wayne, praying for an amendment to the inspection law; referred to a select committee, consisting of Messrs. Mack, Smith, Pierce, Tackels and Mead.

REPORTS.

Mr. Ormsby, chairman of the committee on towns and counties, reported "A bill for the organization and division of certain towns;" placed upon the general order and ordered to be printed.

The Speaker announced the following message from the Governor:

To the Speaker of the House of Representatives:

I have this day approved and filed in the office of the Secretary of State, the following acts and resolutions, viz: "An act to amend an act incorporating the village of Kalamzoo;" "An act to provide for an increase of the number of masters in chancery in the county of Wayne;" "An act to amend part third, title first, chapter third of the Revised Statutes, and for other purposes;" "A joint resolution relative to re-location of State lands;" "A joint resolution relative to a steam revenue cutter on the Lakes Erie, St. Clair, Huron and Michigan;" "A joint resolution relative to appointment of commissioners to examine the Macomb and Oakland county

banks ;" "A joint resolution and memorial relative to U. S. military roads in Michigan," and "A preamble and joint resolution in relation to the erection of a light house, &c. at the mouth of Clinton river."

S. T. MASON.

EXECUTIVE DEPARTMENT, }
February 8th.

RESOLUTIONS.

On motion of Mr. Tucker,

Whereas, the act making appropriations for the year 1838, approved April 6th, 1838, provides in section six of said act for the payment of witnesses, who attended on the committee of investigation concerning the locations of the northern and southern railroads, upon the certificates of the chairman of said committee ; and whereas a number of witnessess who attended, did not call for their pay before the time had expired, for which their chairman could legally act, therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby authorized and requested to draw his warrants on the treasury of this State, for the amounts due said witnesses, as will appear from the statements in the hands of the late chairman.

On motion of Mr. Hooker,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of amending part one, title three, chapter three, and section one of the Revised Statutes, so as to provide for the election of county commissioners, in case more than one shall be elected by the people in any one town.

The Speaker presented the joint resolution from the Senate of yesterday, in relation to a "marine hospital," and on motion of Mr. Adam, the rule was suspended, and the same was passed.

Mr. Pond offered the following resolution :

Resolved, That the judiciary committee be instructed to inquire and report to this House, without any unnecessary delay, whether section nineteen of article four of the Constitution of this State has any definite meaning ; if so, what that meaning is, and to what does it apply.

Upon which, Mr. Hammond moved to lay the same upon the

table, and the yeas and nays being called for, the vote stood as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Meacham, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Near, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, |
| Mr. Axford, | Mr. Grovier, | Mr. Seeley, |
| Mr. Bacon, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Jennings, | Mr. Smith, |
| Mr. Decker, | Mr. King, | Mr. Stout, |
| Mr. Dort, | Mr. Lowry, | Mr. Tackels, |
| Mr. Durocher, | Mr. Little, | |

29

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Beaufait, | Mr. Howland, | Mr. Renwick, |
| Mr. Brown, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chapin, | Mr. Mack, | Mr. Shurts, |
| Mr. Chase, | Mr. Mead, | Mr. Speaker, |
| Mr. Clark, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Davis, | Mr. Pierce, | Mr. Wixom, |
| Mr. Finney, | Mr. Pond, | |

20

On motion of Mr. Gibbs, the House then proceeded to the consideration of unfinished business, being the nomination of a Senator to Congress, and on motion of Mr. Acker, the House proceeded to the nomination, and the yeas and nays being called, the vote stood as follows :

FOR AUGUSTUS S. PORTER.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | Mr. Pierce, |

21

FOR WARNER WING.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |

| | | | |
|-------------|----------------|--------------|----|
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |

FOR JOHN BIDDLE.

| | | | |
|---------------|-----------|-----------|---|
| Mr. Beaufait, | Mr. King, | Mr. Mack, | 8 |
|---------------|-----------|-----------|---|

FOR LUCIUS LYON.

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|------------|------------|--|---|
| Mr. Chase, | Mr. Eaton, | | 2 |
|------------|------------|--|---|

FOR E. WILKINS.

| | | | |
|--------------|------------|--|---|
| Mr. Sheldon, | Mr. Wixom, | | 2 |
|--------------|------------|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|--|--|---|
| Mr. Pond, | | | 1 |
|-----------|--|--|---|

FOR A. FELCH.

| | | | |
|----------------|--|--|---|
| Mr. Patterson, | | | 1 |
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FOR EPAPHRODITUS RANSOM.

| | | | |
|-------------|--|--|---|
| Mr. Shurts, | | | 1 |
|-------------|--|--|---|

FOR D. GOODWIN.

| | | | |
|-----------|------------|--|---|
| Mr. Dort, | Mr. Wixom, | | 2 |
|-----------|------------|--|---|

FOR E. ROBINSON.

| | | | |
|-------------|--|--|---|
| Mr. Finney, | | | 1 |
|-------------|--|--|---|

There being no choice, the House proceeded to a second vote, which resulted as follows:

FOR AUGUSTUS S. PORTER.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Mead, | Mr. Pierce, | 21 |

FOR WARNER WING.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |

FOR JOHN BIDDLE.

| | | | |
|---------------|------------|-----------|---|
| Mr. Beaufait, | Mr. Eaton, | Mr. Mack, | |
| Mr. Dort, | Mr. King, | | 5 |

FOR LUCIUS LYON.

| | | | |
|------------|--|--|---|
| Mr. Chase, | | | 1 |
|------------|--|--|---|

FOR ROSS WILKINS.

| | | | |
|--------------|--|--|---|
| Mr. Sheldon, | | | 1 |
|--------------|--|--|---|

FOR E. H. LOTHROP.

| | | | |
|-----------|-------------|--|---|
| Mr. Pond, | Mr. Finney, | | 2 |
|-----------|-------------|--|---|

FOR A. FELCH.

| | | | |
|----------------|--|--|---|
| Mr. Patterson, | | | 1 |
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FOR EPAPHRODITUS RANSOM.

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|-------------|--|--|---|
| Mr. Shurts, | | | 1 |
|-------------|--|--|---|

FOR D. GOODWIN.

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| Mr. Wixon, | | | 1 |
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There being no choice, Mr. Adam moved to postpone the order of the day until Monday next.

Mr. Acker moved an amendment to postpone for an indefinite period, and called for the yeas and nays, which resulted in the following vote :

YEAS.

| | | | |
|---------------|---------------|-------------|----|
| Mr. Acker, | Mr. Copeland, | Mr. Mead, | |
| Mr. L. Allen, | Mr. Davis, | Mr. Near, | |
| Mr. Bacon, | Mr. Decker, | Mr. Shurts, | |
| Mr. Brown, | Mr. Meacham, | | 11 |

NAYS.

| | | | |
|---------------|----------------|----------------|--|
| Mr. Adam, | Mr. Grovier, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Axford, | Mr. Howland, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Saunders, | |
| Mr. Chase, | Mr. King, | Mr. Seeley, | |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Dort, | Mr. Little, | Mr. Smith, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Mack, | Mr. Stout, | |
| Mr. Finney, | Mr. McKee, | Mr. Tackels, | |

| | | |
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| Mr. Fitzgerald, | Mr. Newton, | Mr. Tucker, |
| Mr. Gibbs, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Goodwin, | | |

40

The question then recurring on the adoption of the resolution, and the yeas and nays being called for, the result was as follows :

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Adam, | Mr. Dort, | Mr. Hooker, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chase, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Clark, | Mr. Grovier, | Mr. Smith, |
| Mr. Copeland, | Mr. Hammond, | Mr. Speaker, |

15

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. Jennings, | Mr. Patterson, |
| Mr. Bacon, | Mr. King, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Saunders, |
| Mr. Brown, | Mr. Little, | Mr. Seeley, |
| Mr. Chapin, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |
| Mr. Finney, | Mr. Near, | |

33

Whereupon, on motion of Mr. Hammond, the House proceeded to the third vote, which resulted as follows :

FOR JOHN BIDDLE.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Mead, |
| Mr. L. Allen, | Mr. Howland, | Mr. Near, |
| Mr. Bacon, | Mr. Hooker, | Mr. Newton, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Copeland, | Mr. Lowry, | Mr. Renwick, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Eaton, | Mr. Meacham, | |

26

FOR WARNER WING.

| | | |
|-----------|---------------|------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
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|---------------|-----------------|---------------|----|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |

FOR EPAPH. RANSOM.

| | |
|-------------|---|
| Mr. Shurts, | 1 |
|-------------|---|

FOR ROSS WILKINS.

| | |
|--------------|---|
| Mr. Sheldon, | 1 |
|--------------|---|

FOR E. H. LOTHROP.

| | |
|-----------|---|
| Mr. Pond, | 1 |
|-----------|---|

FOR A. FELCH.

| | |
|----------------|---|
| Mr. Patterson, | 1 |
|----------------|---|

FOR B. ROBINSON.

| | |
|-------------|---|
| Mr. Finney, | 1 |
|-------------|---|

FOR LUCIUS LYON.

| | |
|------------|---|
| Mr. Chase, | 1 |
|------------|---|

FOR D. GOODWIN.

| | |
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| Mr. Wixom, | 1 |
|------------|---|

The Speaker announced that John Biddle, having received a majority of the votes, was duly nominated on the part of the House, for the office of U. S. Senator, from the 4th March next, in the place of the Hon. Lucius Lyon, whose term expires at that time.

On motion of Mr. Adams,

The House adjourned.

SATURDAY, FEBRUARY 9.

The House met pursuant to adjournment, Mr. Goodwin, Speaker pro tem., and roll being called, there were absent, Messrs. Acker, Axford, Bacon, Clark, Decker, Gibbs, Levake, Ormsby, Smith, Speaker, Wixom.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and amended.

Mr. Hammond asked for, and obtained leave of absence for the Speaker and Mr. Gibbs until Tuesday.

Mr. Livermore for Messrs. Wixom and Clark, the same.

Mr. Tucker for Mr. Axford, the same.

Mr. Copeland for Mr. Acker, until Monday.

Mr. Tackels for Mr. Decker, the same.

Mr. Adam for Mr. Smith, until Wednesday.

Mr. Pond for Mr. Durocher, the same.

On motion of Mr. Tucker,

The 44th rule was suspended, to admit of the absence of the Speaker for a longer period than one day.

PETITIONS.

By Mr. Livermore. Of citizens of town four north of range one and two east, Ingham county, for the organization of said town; referred to the committee on towns and counties.

By Mr. Fitzgerald. Of sundry citizens of Berrien county, praying for a law to make real and personal estate available in the payment of debts, at a fair appraisement, as in some of the other States; referred to the committee on the judiciary.

Also, the remonstrance of forty citizens of the township of Iosco, county of Livingston, against attaching a portion of Oakland county to said county of Livingston; referred to the select committee on that subject.

By Mr. Stout. Of inhabitants of Barry county, praying that said county may be organized; referred to the committee on towns and counties.

REPORTS.

The Speaker pro tem. announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,

February 8.

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to transmit herewith "A bill to amend title second, of the third part of the Revised Statutes," and inform you that the same has passed the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the said bill was referred to the committee on the judiciary.

RESOLUTIONS.

Mr. Pond offered the following resolution, which was laid on the table:

Resolved, That from and after Monday next, this House have two sessions in each day, commencing at half past nine o'clock in the morning, and half past two o'clock in the afternoon, unless otherwise specially ordered at the time of an adjournment.

Mr. Pond called for the consideration of his resolution of yesterday, in respect to section 19 of article 4 of the Constitution, which was again laid upon the table.

Mr. Finney called up for consideration his resolution, lying upon the table, in relation to instructing the committee on militia, and the House resolved itself into committee of the whole, Mr. Hammond in the chair.

After some time spent thereon, the committee rose and reported with an amendment, and the same was concurred in, and the House adopted the resolution.

On motion of Mr. Maek,

The "Bill authorizing John F. Kirchoffer to change his name to that of John F. Kirk," was taken up, the rule suspended, read a third time and passed.

On motion of Mr. Meacham,

The "Bill relative to the records of the court of probate for the county of Cass," was taken up in committee of the whole, Mr. Livermore in the chair.

After some time spent thereon, the committee rose and report-

ed the bill with amendments, and the same were concurred in by the House and the bill ordered to be engrossed.

On motion of Mr. Bacon,

The "Bill to amend an act entitled an act to incorporate the city of Monroe," was taken up in committee of the whole, Mr. Adam in the chair.

After some time spent thereon, the committee rose and reported the bill with amendments, and the same were concurred in by the House, and the bill ordered to be engrossed.

On motion of Mr. Patterson,

The "Bill to provide for the renewal of sheriffs' and treasurers' bonds," was taken up in committee of the whole, Mr. Mack in the chair.

After some time spent thereon, the committee rose and reported progress, asked for and obtained leave to sit again.

On motion of Mr. Saunders,

The House adjourned until Monday morning, 10 o'clock.

MONDAY, FEBRUARY 11.

The House met, pursuant to adjournment, and the roll being called, there were absent, Messrs. Axford, Beaufait, Brown, Clark, Fitzgerald, Levake, McKee, Saunders, Shurts, Smith, Speaker, on leave, Messrs. Brown, Fitzgerald, Levake and McKee afterwards appeared and took their seats.

Prayer by the Rev. Mr. Badin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Bacon. Seventeen petitions of citizens of Monroe county, praying for an appropriation for making a macadamized or block road, from the Ohio state line, to the city of Detroit, and remonstrating against a railroad from Havre to Dearbornville; referred to committee on internal improvement.

Also, a petition of citizens of Monroe county, for a railroad from Havre to Dearbornville; referred to the same committee.

By Mr. Fitzgerald. Of sundry citizens of Berrien county, praying for an appropriation to construct the western end of the

central railroad, from St. Joseph eastward ; referred to the same committee.

By Mr. Chapin. Of O. Raymond and other citizens of St. Joseph county, for the improvement of the St. Joseph river and survey of a canal ; referred to the same committee.

By Mr. Howland. Of the civil authorities, grand and petit jurors, and of the citizens of the county of Lapeer, praying for relief ; referred to committee on claims.

By Mr. Ormsby. Of sundry citizens of the county of Washtenaw, praying for the appointment of a committee to investigate the affairs of the Washtenaw bank ; referred to a select committee.

By Mr. Finney. Of sundry citizens of the county of Ionia, praying for certain acts relating to highways ; referred to committee on the judiciary.

By Mr. Mead. Of James Saunders, collector of Ypsilanti, for relief ; referred to committee on the judiciary.

By Mr. Fitzgerald. Of sundry citizens of Berrien county, praying for the enactment of a law to make real and personal estate available at a fair appraisement in payment of debts ; referred to the same committee.

By Mr. Pond. Of certain inhabitants of Branch and Calhoun counties, praying for the establishment of a State road ; referred to committee on roads and bridges.

By Mr. Bacon. Of S. Milikin, of Monroe county, for authority to convey certain lands ; referred to committee on the judiciary.

By Mr. Renwick. Of sundry inhabitants of the township of Pitt, praying that the name of said township should be changed to that of Pittsfield ; referred to committee on towns and counties.

REPORTS.

Mr. Adam, from the committee on education, reported the following bills :

"A bill to amend the chapter of the Revised Statutes, entitled 'of primary schools.'"

"A bill relative to school books and books for school district libraries."

"A bill requiring certain returns to be made from incorporated academies and other literary institutions."

All of which said bills were referred to the committee of the whole and ordered to be printed.

The Speaker pro tem. announced a communication from the board of internal improvement, with sundry accompanying reports, which was laid upon the table and ordered to be printed.

Mr. Dort, pursuant to leave, introduced a bill to secure laborers their wages, for work done on public works in this State; referred to committee of the whole, and ordered to be printed.

RESOLUTIONS.

Mr. Chapin offered the following preamble and resolution, which was referred to the committee of the whole :

Whereas, It is recommended by the board of internal improvement in their annual report, and it is believed by the members of this House that the exclusive privilege of transporting produce and merchandize upon railroads belonging to the State, should not be retained by the State, but that the privilege should be free to all citizens to place upon every such road their own cars for the carriage of freight, under suitable provisions therefor :

Resolved, That the committee on internal improvement be, and are hereby instructed, to report a bill requiring the board of internal improvement, to establish such rules and regulations on the several railroads belonging to the State, as will extend to citizens the right of furnishing their own freight cars, and of transporting produce and merchandize, subject to such tolls as the commissioners shall direct.

On motion of Mr. Sheldon,

Resolved, That the committee on the judiciary, to whom was referred the bill to repeal an act creating a State Printer, and prescribing his powers and duties, be requested to report thereon to this House without unnecessary delay.

On motion of Mr. Near,

Resolved, That the committee on the judiciary inquire into the propriety of enacting and passing a law, granting relief to certain collectors who have taken money which became uncurrent while remaining in their possession.

On motion of Mr. Eaton,

Resolved, That the committee on the judiciary be instructed to ascertain whether part third, title one, chapter five, and section fifty-four of the Revised Statutes, needs any further revision, if so, what revision is necessary, and that they report accordingly.

Mr. McKee laid the following resolution on the table :

Resolved, (if the honorable Senate concur,) That a joint committee of three from the House and two from the Senate, be appointed to examine the claims of James B. Hunt, one of the board of internal improvement, for moneys advanced for the State; and also to inquire into the circumstance connected with the loans of special deposit moneys made by him to certain banks and individuals, and that they have power to send for persons and papers, and report by bill or otherwise.

NOTICES.

Mr. Dort, of Wayne, gave notice that on to-morrow he should ask leave to introduce a bill to provide for the removal of the State convicts, now confined in the jails of the several counties of this State, to the State penitentiary at Jacksonburg, and to provide for their keeping and support.

Mr. Ormsby gave notice that he would at a future day, ask leave to bring in a bill to incorporate a company, to be known as the Portage turnpike and bridge company.

The Speaker pro tem. announced for a third reading the "Bill relative to the records of the court of probate for the county of Cass," and the same was read a third time and passed.

On motion of Mr. Adam, the bill to amend an act entitled "An act to incorporate the city of Monroe, approved March 22, 1837," was taken up, read a third time, and passed by a vote of two-thirds, as follows :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Ormsby, |
| Mr. Adam, | Mr. Grovier, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Hammond, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Brown, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. Lowry, | Mr. Sheldon, |

| | | |
|---------------|----------------|--------------|
| Mr. Chase, | Mr. Livermore, | Mr. Speaker, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. McKee, | Mr. Tucker, |
| Mr. Doit, | Mr. Near, | Mr. Wixom, |
| Mr. Durocher, | Mr. Newton, | |

38

NAYS.

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On motion of Mr. Hammond, the "Bill extending the time of collectors of taxes for the year 1839," was taken up in committee of the whole, Mr. Wixom in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were re-committed to the committee of ways and means.

On motion of Mr. Adam, the "Bill to provide for the renewal of the sheriffs' and treasurers' bonds," was taken up in committee of the whole, Mr. Mack in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, with amendments, and the same were concurred in, and the bill ordered to be engrossed.

Mr. Tucker called for the consideration of his resolution relative to the payment of certain witnesses, which was amended and again laid on the table.

On motion of Mr. Mack,

The House took up the joint resolution relative to the rights of the foreign emigrant, and the same was adopted.

On motion of Mr. Finney,

The House adjourned.

TUESDAY, FEBRUARY 12.

The House met pursuant to adjournment, and the roll being called, there were absent Mr. Smith on leave, and Messrs. McKee and Shurts.

Mr. McKee afterwards appeared and took his seat, and Mr. Patterson asked for and obtained leave of absence for Mr. Shurts.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Wixom. Of 60 citizens of Howell, Livingston county, against annexing a part of Oakland county to the county of Livingston; referred to the select committee on that subject.

By Mr. Gibbs. Of inhabitants of Ingham county for a State road; referred to the committee on roads and bridges.

By Mr. Goodwin. The remonstrance of Azra Lewis and others, against the passage of a law compelling creditors to take personal and real estate in payment of debts; referred to the committee on the judiciary.

By Mr. Goodwin. Of Wm. B. Letts and other citizens of Calhoun county, praying for improvements to be made on the St. Joseph river, and the survey of a canal; referred to the committee on internal improvement.

By Mr. Durocher. Of inhabitants of the county of Monroe, for a railroad from Havre, via Monroe, Brest and Dearbornville, to Detroit; referred to same committee.

By Mr. Acker. Of Noah French and others, inhabitants of Pultaski, Jackson county, in relation to a State road from Hillsdale to Eaton county; referred to committee on roads and bridges.

By Mr. Speaker. Of inhabitants of Ingham county, for a State bank, to be owned and controlled exclusively by the people; referred to the committee on banks and incorporations.

By Mr. Fitzgerald. Of sundry citizens of Bainbridge, in the county of Berrien, praying for an alteration in said township of the State road leading from St. Joseph to Detroit; referred to the committee on roads and bridges.

REPORTS.

Mr. Pond reported a "Bill extending the time to the collectors of taxes for 1838," which, on motion of Mr. Adam, was made the order of the day for to-day.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
February 12. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return herewith the "Bill for the payment of the expenses of the Regents of the university in certain cases," and inform the House that the committee of conference appointed thereupon, reported also to the Senate in favor of retaining the section as it passed the House of Representatives, and of amending the same, by adding thereto the words "unless sooner repealed," and the Senate have concurred in their report; and said bill accordingly passed.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the "Bill for the payment of the expenses of the Regents of the university in certain cases," was ordered to be enrolled.

Mr. Finney laid upon the table the following preamble and resolution :

Whereas, the law regulating the election of United States Senators declares, that "on the first Tuesday of February next, before the expiration of the time for which any Senator was elected to represent this State in Congress, if the Legislature be then in session, and if not, then within ten days after a quorum of both Houses shall be assembled at the then next meeting of the Legislature, an election shall be held for a Senator in Congress, at the place where the Legislature shall then be sitting.

And whereas, the day fixed upon for this Legislature to elect a Senator to fill the place of Hon. Lucius Lyon, whose term of office expires on the 4th of March next, has passed, and no election having been had as required by law; therefore,

Resolved, by the Senate and House of Representatives, That on Tuesday, the 26th inst., each branch of the Legislature shall proceed to the election of a United States Senator in the manner pre-

scribed in the 8th section of chapter 10, of the Revised Statutes, and to continue voting from day to day when in session, until a nomination or choice be made.

Mr. Durocher laid the following joint resolution upon the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That it be recommended to the United States Collector of the port of Detroit, to purchase the county poor-house, together with the premises thereto attached, near the city of Detroit, for a Marine hospital, inasmuch as the same will be in a few days offered for sale by virtue of an act of the Legislature, passed at this present session; and in case the collector shall not feel himself authorized to make such purchase, that it be recommended to him to solicit from the honorable Secretary of the Treasury authority to make such purchase.

On motion of Mr. Levake,

Resolved, That the committee on the judiciary be instructed to inquire as to the propriety of so amending the election law as not to require counties composed of but one organized town, to hold a county canvass.

Mr. Finney, in pursuance of previous notice, introduced a bill "supplement to the charter of the Port Sheldon and Grand Rapids railroad company," which was referred to the committee on ways and means.

The Speaker announced a message from the Governor, by his private secretary, Mr. Jackson, in the following words:

Mr. Speaker: I am instructed by the Governor of the State, to inform the House of Representatives that he will nominate a Superintendent of Public Instruction, whenever the two Houses are ready to receive the same in joint convention.

Whereupon, on motion of Mr. Goodwin, a committee of two, consisting of Messrs. Goodwin and Hammond, were appointed to wait upon the Senate, and inform them that the House would be ready to receive them in joint convention at 12 o'clock to-day.

Mr. Adam called up the "Bill to provide for the renewal of sheriffs' and treasurers' bonds," offered amendments thereto, which were adopted, and the bill ordered to be engrossed.

Mr. Fitzgerald called up the "Bill for the relief of certain set-

ters on university and State lands," and after several amendments offered thereto, and debates thereon, the same was referred back to the committee reporting the same.

Mr. McKee called up his joint resolution of yesterday, in relation to an investigation into the accounts of James B. Hunt, and the same was again laid upon the table.

Mr. Tucker called for the consideration of his resolution providing for the payment of certain witnesses who attended on the committee last year, concerning the location of the northern and southern railroads, and the same, on motion of Mr. Adam, was amended and adopted.

A committee was announced from the Senate, consisting of Messrs. Bradford and Kercheval, informing the House that the Senate were not prepared to go into a joint ballot at 12 o'clock.

On motion of Mr. Eaton,

The House adjourned.

WEDNESDAY, FEBRUARY 13.

The House met pursuant to adjournment; the roll being called, Messrs. Shurts and Smith were absent, Mr. Smith on leave.

Prayer by the Rev. Mr. Chaplin.

Mr. Chapin asked and obtained leave of absence for Mr. Shurts until to-morrow.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Goodwin. Of sundry citizens of Calhoun for the continuation of the "Act appointing commissioners to lay out a State road from Marshall to Allegan and for the substitution of a commissioner, in place of one of the commissioners who declines serving;" referred to the committee on roads and bridges.

By Mr. Hooker. A memorial of inhabitants of the town of Dundee, remonstrating against the division of said town, as asked for in the Raisinville memorial; referred to the committee on towns and counties.

By Mr. Axford. Of 63 inhabitants of the county of Macomb, asking for an alteration of the law for the support of primary schools; referred to committee on education.

By Mr. Gibbs. Of inhabitants of the county of Ingham, praying that the present county site of said county be vacated, and that commissioners be appointed to relocate the same ; referred to committee on towns and counties.

By Mr. Bacon. Of E. Kendall, publisher of the Monroe Gazette, for remuneration for publishing military order ; referred to committee on claims.

Also, of citizens of Monroe county, for a rail road from Havre to Dearbonville ; referred to committee on internal improvement.

Also, of stockholders of the river Raisin and Grand river rail road company, praying for reimbursement of certain expenditures ; referred to committee on internal improvement.

Also, of the same company, praying that the bank of Tecumseh may be separated from said road ; referred to committee on banks and incorporations.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, reported back to the House the bill from the Senate to "amend title second of the third part of the Revised Statutes, without amendment, which was referred to the committee of the whole.

Also, the bill which had been referred to the same committee, to revive and continue in force an act entitled "An act to provide for the disposition of prisoners apprehended within the county of Livingston," which was referred to the committee of the whole, and ordered to be printed.

Also, the bill which had been referred to the same committee, "to repeal an act entitled an act to provide for the appointment of State Printer, and to prescribe his powers and duties ;" referred to the committee of the whole and ordered to be printed, and made the special order of the day for Friday next.

Mr. Saunders, pursuant to leave, introduced a bill for the collection of certain taxes in the township of Monguagon, which was referred to the committee on ways and means.

Mr. King, from the committee on enrollment, reported as correctly enrolled, "An act to provide for the payment of the Regents of the university in certain cases."

The Speaker announced the following message from the Governor :

EXECUTIVE DEPARTMENT, }
February 12. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State, " A joint resolution in relation to a marine hospital."

S. T. MASON.

Also, the following message from the Senate :

SENATE CHAMBER, }
February 13. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill to exempt from execution certain libraries, &c," and respectfully inform you that the same has been concurred in by the Senate.

Also, the joint resolution " relative to the rights of foreign emigrants," in which the Senate have likewise concurred.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the said bill and resolution were ordered to be engrossed.

The following message from the Senate, by their secretary, Mr. At Lee, was also announced :

SENATE CHAMBER, }
February 13, 1839. }

To the House of Representatives :

I am instructed by the Senate to inform the House of Representatives, that the Senate have this day nominated Warner Wing for the office of United States Senator, from this State.

SAM'L YORKE AT LEE,

Secretary of Senate.

On motion of Mr. McKee,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so altering or amending section eight of chapter ten, title eleven, part first, of the Revised Statutes, that the election of United States Senator shall be made by a joint vote of the Senators and members of the House of Representatives, without any previous nominations being made by either branch of the Legislature ; and that in all such elections, the person who receives the highest number of votes shall be declared duly elected.

Mr. Eaton offered a joint resolution authorizing the Secretary

of State to lease the rooms of the basement story of the capitol, for county offices of the county of Wayne, which was adopted and sent to the Senate.

The Speaker announced for a third reading, the "Bill to provide for the renewal of sheriffs' and treasurers' bonds," which was, on motion of Mr. Adam, amended, read a third time and passed.

On motion of Mr. Little,

The "Bill extending the time to the collectors of taxes for 1838," was taken up, amendments made thereto, and the same ordered to be engrossed.

On motion of Mr. Dort,

The "Bill to amend the Revised Law in relation to taverns and other licensed houses," was taken up, amendments made thereto, and the same recommitted to the committee on ways and means.

Mr. Hammond made a motion for the appointment of a committee of two to wait upon the Senate, and inform them that the House were now ready to receive them in joint committee on the nomination of a U. S. Senator.

Mr. Adam moved an adjournment, and Mr. Acker calling for the yeas and nays, the motion was lost, by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Beaufait, | Mr. Finney, | Mr. Saunders, |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |
| Mr. Dort, | | |

22

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Hammond, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Newton, |
| Mr. Axford, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Patterson, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Goodwin, | Mr. Meacham, | Mr. Tackles, |

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Mr. Adam moved for a call of the House, and the same being sustained, there were absent, Mr. Shurts, on leave, and Messrs. Gibbs, King, Mead, Smith and Tucker, and the sergeant-at-arms was directed to bring in the absentees.

Messrs. Gibbs, King, Mead and Tucker appeared and took their seats, when

Mr. Wixom moved for an adjournment, and the yeas and nays being called for by Mr. Acker, the motion was sustained by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Axford, | Mr. Finney, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Speaker, |
| Mr. Clark, | Mr. King, | Mr. Tackels, |
| Mr. Decker, | Mr. Levake, | Mr. Wixom, |
| Mr. Dort, | Mr. Livermore, | |

26

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Patterson, |
| Mr. Copeland, | Mr. Little, | Mr. Pierce, |
| Mr. Davis, | Mr. Mack, | Mr. Renwick, |
| Mr. Goodwin, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |

24

The House adjourned.

THURSDAY, FEBRUARY 14.

The House met pursuant to adjournment, and on calling the roll, Mr. Levake was absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Sheldon. Of one hundred and six inhabitants of the city of Detroit, for an appropriation to repair the Chicago road ; referred to committee on roads and bridges.

By Mr. Saunders. Of inhabitants of the vicinity of Grand river road, for a law authorizing the building of a toll gate on said road, within ten miles of Detroit ; referred to the same committee.

By Mr. Tackels. Of inhabitants of the village of Romeo, Macomb county, praying that the charter of said village be amended ; referred to the same committee.

By Mr. Smith. Of Peter Davidson, collector of the township of Macon, Lenawee county, for further time to complete the collection of taxes for said town ; referred to the committee on judiciary.

Also, of Hudson B. and Rachel Hall, for the passage of an act to authorize said Rachel to convey certain real estate ; referred to same committee.

By Mr. Clark. Of 65 citizens of the county of Oakland, for a law to prohibit sheriffs from serving process from justices' courts ; referred to the same committee.

By Mr. Tackels. Of citizens of Macomb county, for a repeal of that part of the law for the support of primary schools, which empowers each school district to raise the sum of ninety dollars in each district each year ; referred to the committee on education.

By Mr. Fitzgerald. Of citizens of the towns of Lyon and Milford, relative to the proposed annexation of certain towns of the county of Oakland to the county of Livingston ; referred to select committee on that subject.

By Mr. Acker. Of Phineas Farrand and others, of the village

of Jackson, for an act incorporating the "Jackson band;" referred to committee on banks and incorporations.

By Mr. Hammond. Of 47 citizens of Marion, Livingston county, against annexing a portion of Oakland county to the said county of Livingston; referred to select committee on that subject.

By Mr. Dort. Of Silas Titus, for compensation for services rendered the State at the request of the Attorney General; referred to committee on claims.

By Mr. Smith. Of Col. Clark, acting brigade inspector of 3d brigade of Michigan militia, for compensation for services. Also, of A. P. Drake, for services rendered in 1833; both of which were referred to committee on claims.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to authorize the exemption of certain libraries and other articles from execution," and

"A joint resolution in relation to foreigners."

Mr. Gibbs moved that the judiciary committee be discharged from the further consideration of the petition of Martin Kundig, and that the same be referred to the committee of ways and means, and the committee were discharged and the reference made.

Mr. Gibbs, from the judiciary committee, reported a "Bill to establish courts of special sessions, and to provide for the punishment of petty offences."

The Speaker announced a communication of the Secretary of State, with his report in relation to the Gazetteer, which was referred to a select committee, consisting of Messrs. Adam, Hammond, Brown, Meacham, Eaton, Davis and Pierce.

The Speaker also announced the following communication from the Governor:

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State,

"An act to authorize the exemption of certain libraries and other articles from execution;" and "A joint resolution relative to the right of expatriation;" also,

"An act to provide for the payment of the expenses of the Regents of the university in certain cases."

S. T. MASON.

February 14, 1839.

The Speaker also announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
February 14.

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to return herewith to the House of Representatives, the joint resolution relative to supplying the library with documents, and respectfully inform you that the same has been concurred in by the Senate.

SAML YORKE AT LEE,

Secretary of Senate.

And the same was ordered to be engrossed.

Mr. Fitzgerald, from the select committee, to whom was re-committed the bill and amendments for the relief of certain settlers on the university and State lands, reported a substitute for the original bill, after the enacting clause ; referred to committee of the whole, ordered to be printed, and made special order of the day for Saturday.

Mr. Patterson, by permission, introduced the petition of one hundred and four citizens of Raisin, Lenawee county, praying for the repeal of so much of an act entitled "An act to lay out a State road from Ypsilanti to Ridgeway," as provides for the establishment of said road through said town ; referred to the committee on roads and bridges.

Mr. Dort, of Wayne county, laid the following resolution on the table :

Resolved, That the committee on banks and incorporations be instructed to inquire what further legislation, if any, is necessary to guard the public against bank frauds, and for the more speedy punishing all persons, either principal or accessory, concerned in such frauds, and that they report by bill or otherwise, as soon as convenient.

On motion of Mr. Adam,

The resolution of yesterday, offered by Mr. Hammond, was taken up and adopted, in the following words :

Resolved, That a committee of two be appointed to inform the Senate the House of Representatives will meet them in joint convention in the representative hall, at half past eleven to-day, and proceed to the election of a United States Senator.

Messrs. Hammond and Adam were appointed said committee.

Mr. Finney called up the resolution by him offered on the 13th, relative to the election of United States Senator.

On the question for consideration, the yeas and nays being demanded, on motion of Mr. Finney, the vote stood as follows, yeas 11, nays 35, as follows :

YEAS.

| | | |
|-----------------|----------------|--------------|
| Mr. Finney, | Mr. Patterson, | Mr. Smith, |
| Mr. Fitzgerald, | Mr. Pond, | Mr. Speaker, |
| Mr. Gibbs, | Mr. Sheldon, | Mr. Wixom, |
| Mr. Goodwin, | Mr. Shurts, | |

11

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Grovier, | Mr. Near, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Pierce, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chapin, | Mr. King, | Mr. Saunders, |
| Mr. Clark, | Mr. Lowry, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Meacham, | |

35

A committee was announced from the Senate, consisting of Messrs. Drake and Kercheval, informing the House that they would meet them in joint convention at half past eleven o'clock to-day.

On motion of Mr. Goodwin,

A committee of two, consisting of Messrs. Goodwin and Bacon, were appointed to wait upon the Senators to their seats.

IN JOINT CONVENTION.

The Speaker of the House of Representatives called the convention to order, and announced that the Senate and House having exchanged communications, it appeared that they had disagreed in their nomination, and they would now proceed to the election of United States Senator, in joint convention.

There being a call of both Houses, all the members of the Senate were present, and all the members of the House of Representatives were present, except Mr Leake.

On motion,

The convention then proceeded to an election viva voce, of an United States Senator from Michigan, to succeed Lucius Lyon, whose term of service will expire on the fourth day of March next.

The Secretary of the Senate then calling the names of the Senators, they severally rose in their places and voted as follows :

FOR W. WING.

| | | |
|--------------|-----------------|---------------|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, |
| Mr. Greenly, | | |

7

FOR J. BIDDLE.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | |

8

FOR RANDOLPH MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, |
|---------------|----------------|--------------|

3

FOR W. A. FLETCHER.

| |
|-----------|
| Mr. Wing, |
|-----------|

1

FOR D. G. JONES.

| |
|-----------------|
| Mr. Woodbridge, |
|-----------------|

1

The clerk of the House then calling the names of the Representatives, they severally rose in their places and voted as follows :

FOR JOHN BIDDLE.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Mead, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Near, |
| Mr. Bacon, | Mr. Jennings, | Mr. Newton, |
| Mr. Brown, | Mr. King, | Mr. Ormsby, |
| Mr. Copeland, | Mr. Lowry, | Mr. Pierce, |

| | | | |
|--------------|--------------|-------------|----|
| Mr. Davis, | Mr. Mack, | Mr. Stout, | |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Little, | Mr. Renwick, | | 23 |

FOR W. WING.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |

FOR RANDOLPH MANNING.

| | | | |
|---------------|-------------|--------------|---|
| Mr. Beaufait, | Mr. Eaton, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Finney, | Mr. Shurts, | |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, | 9 |

FOR A. FELCH.

| | | | |
|----------------|--|--|---|
| Mr. Patterson, | | | 1 |
|----------------|--|--|---|

There being no election, a second vote was taken, which resulted as follows:

(Senators.)

FOR WARNER WING.

| | | | |
|--------------|-----------------|---------------|---|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, | |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, | |
| Mr. Greenly, | | | 7 |

FOR JOHN BIDDLE.

| | | | |
|-------------|--------------|-----------------|---|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Hawkins, | | 5 |

FOR RANDOLPH MANNING.

| | | | |
|---------------|----------------|--------------|---|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, | 3 |
|---------------|----------------|--------------|---|

FOR W. A. FLETCHER.

| | | | |
|-----------|--|--|---|
| Mr. Wing, | | | 1 |
|-----------|--|--|---|

FOR D. G. JONES.

| | | | |
|-----------------|--|--|---|
| Mr. Woodbridge, | | | 1 |
|-----------------|--|--|---|

(Representatives.)

FOR J. BIDDLE.

| | | | |
|---------------|---------------|-------------|--|
| Mr. Acker, | Mr. Hooker, | Mr. Near, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, | |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, | |

| | | |
|---------------|--------------|--------------|
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, |
| Mr. Howland, | Mr. Mead, | |

FOR W. WANG.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |

FOR E. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Finney, | Mr. Sheldon, |
| Mr. Chase, | Mr. Patterson, | Mr. Shurts, |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, |
| Mr. Eaton, | | |

There being no election, a third vote was taken, which resulted as follows:

(Senators.)

FOR W. WING.

| | | |
|--------------|-----------------|---------------|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, |
| Mr. Greenly, | | |

FOR J. BIDDLE.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | Mr. Woodbridge, |

FOR E. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, |
|---------------|----------------|--------------|

FOR W. A. FLETCHER.

| | | |
|-----------|--|--|
| Mr. Wing, | | |
|-----------|--|--|

(Representatives.)

FOR W. WING.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, |

| | | | |
|-------------|----------------|--------------|----|
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |

FOR J. BIDDLE.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Near, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, | |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, | |
| Mr. Davis, | Mr. Mack, | Mr. Stout, | |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Howland, | Mr. Mead, | | 23 |

FOR R. MANNING.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Beaufait, | Mr. Finney, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Patterson, | Mr. Shurts, | |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, | |
| Mr. Eaton, | | | 10 |

A motion to adjourn being made, the same was lost by the following vote :

(Senators.)

YEAS.

| | | | |
|---------------|----------------|-----------------|---|
| Mr. Bradford, | Mr. Etheridge, | Mr. Woodbridge, | 3 |
|---------------|----------------|-----------------|---|

NAYS.

| | | | |
|-------------|-----------------|-----------------|----|
| Mr. Cook, | Mr. Greenly, | Mr. Kingsley, | |
| Mr. Curtis, | Mr. Harrington, | Mr. McCamly, | |
| Mr. Drake, | Mr. Hawkins, | Mr. Summers, | |
| Mr. Gidley, | Mr. Kercheval, | Mr. Trowbridge, | |
| Mr. Gordon, | | | 13 |

(Representatives.)

YEAS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Shurts, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Chase, | Mr. McKee, | Mr. Speaker, | |
| Mr. Clark, | Mr. Patterson, | Mr. Tackels, | |
| Mr. Decker, | Mr. Pond, | Mr. Wixom, | |
| Mr. Eaton, | Mr. Sheldon, | | 17 |

NAYS

| | | |
|-----------------|----------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Meacham, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Mead, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Near, |
| Mr. Axford, | Mr. Howland, | Mr. Newton, |
| Mr. Bacon, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, |
| Mr. Chapin, | Mr. King, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Saunders, |
| Mr. Davis, | Mr. Little, | Mr. Seeley, |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Tucker, |
| Mr. Fitzgerald, | | 34 |

The convention then proceeded to a joint vote, which resulted as follows :

(Senators.)

FOR W. WING.

| | | |
|--------------|-----------------|---------------|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, |
| Mr. Greenly, | | 7 |

FOR J. BIDDLE.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | 5 |

FOR E. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, |
| | | 3 |

FOR W. A. FLETCHER.

| | | |
|-----------|--|---|
| Mr. Wing, | | 1 |
|-----------|--|---|

FOR D. G. JONES.

| | | |
|-----------------|--|---|
| Mr. Woodbridge, | | 1 |
|-----------------|--|---|

(Representatives.)

FOR W. WING.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Gordon, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |

| | | | |
|-------------|----------------|--------------|----|
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | 18 |
|-------------|----------------|--------------|----|

FOR J. BIDDLE.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Near, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, | |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, | |
| Mr. Davis, | Mr. Mack, | Mr. Stout, | |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Howland, | Mr. Mead, | | 23 |

FOR E. MANNING.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Beaufait, | Mr. Finney, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Patterson, | Mr. Shurts, | |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, | |
| Mr. Eaton, | | | 10 |

A motion to adjourn being made, the same was lost by the following vote :

(Senators.)

YEAS.

| | | | |
|----------------|---------------|-----------------|---|
| Mr. Bradford, | Mr. Kingsley, | Mr. Woodbridge, | |
| Mr. Etheridge, | Mr. McCamly, | | 5 |

NAYS.

| | | | |
|-------------|-----------------|-----------------|----|
| Mr. Cook, | Mr. Gordon, | Mr. Kercheval, | |
| Mr. Curtis, | Mr. Greenly, | Mr. Summers, | |
| Mr. Drake, | Mr. Harrington, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Hawkins, | | 11 |

(Representatives.)

YEAS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, | |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Hooker, | Mr. Shurts, | |
| Mr. Chapin, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, | 24 |

NAYS.

| | | |
|-----------------|---------------|-----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Near, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Saunders, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Mead, | Mr. Tackels, 27 |

The convention then proceeded to a fifth vote, which resulted as follows:

(Senators.)

FOR W. WING.

| | | |
|--------------|-----------------|---------------|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, |
| Mr. Greenly, | | 7 |

FOR J. BIDDLE.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | 5 |

FOR E. MANNING.

| | | |
|---------------|----------------|----------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, 3 |
|---------------|----------------|----------------|

FOR W. A. FLETCHER.

| | | |
|-----------|--|---|
| Mr. Wing, | | 1 |
|-----------|--|---|

FOR D. G. JONES.

| | | |
|-----------------|--|---|
| Mr. Woodbridge, | | 1 |
|-----------------|--|---|

(Representatives.)

FOR W. WING.

| | | |
|---------------|-----------------|-----------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, 18 |

FOR J. RIDDLE.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, |
| Mr. Howland, | Mr. Mead, | |

28

FOR E. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Finney, | Mr. Sheldon, |
| Mr. Chase, | Mr. Patterson, | Mr. Shurts, |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, |
| Mr. Eaton, | | |

10

A motion to adjourn being made, the same was lost by the following vote :

(Senators.)

YEAS.

| | | |
|----------------|---------------|-----------------|
| Mr. Bradford, | Mr. Kingsley, | Mr. Woodbridge, |
| Mr. Etheridge, | Mr. McCamly, | |

5

NAYS.

| | | |
|-------------|-----------------|-----------------|
| Mr. Cook, | Mr. Gordon, | Mr. Kercheval, |
| Mr. Curtis, | Mr. Greenly, | Mr. Summers, |
| Mr. Drake, | Mr. Harrington, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | |

11

(Representatives.)

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | | |

25

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Brown, | Mr. Little, | Mr. Saunders, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels; |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Hammond, | Mr. Near, | 26 |

The convention then proceeded to a sixth vote, which resulted as follows :

(Senators.)

FOR W. WING.

| | | |
|--------------|-----------------|---------------|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Summers, |
| Mr. Greenly, | | 7 |

FOR J. BIDDLE.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Gordon, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | 5 |

FOR E. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. McCamly, |
| | | 3 |

FOR W. A. FLETCHER.

| | | |
|-----------|--|---|
| Mr. Wing, | | 1 |
|-----------|--|---|

FOR D. G. JONES.

| | | |
|-----------------|--|---|
| Mr. Woodbridge, | | 1 |
|-----------------|--|---|

(Representatives.)

FOR W. WING.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| | | 18 |

FOR J. RIDDLE.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | Mr. Meacham, | |

23

FOR R. MANNING.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Patterson, | Mr. Sheldon, |
| Mr. Chase, | Mr. Finney, | Mr. Shurts, |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, |
| Mr. Eaton, | | |

10

A motion being made to adjourn, the same was lost by the following vote :

(Senators.)

YEAS.

| | | |
|----------------|---------------|-----------------|
| Mr. Bradford, | Mr. Kingsley, | Mr. Woodbridge, |
| Mr. Etheridge, | Mr. McCamly, | |

5

NAYS,

| | | |
|-------------|-----------------|-----------------|
| Mr. Cook, | Mr. Gordon, | Mr. Kercheval, |
| Mr. Curtis, | Mr. Greenly, | Mr. Summers, |
| Mr. Drake, | Mr. Harrington, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | |

11

(Representatives.)

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | | |

25

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Brown, | Mr. Little, | Mr. Saunders, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Hammond, | Mr. Near, | |

26

The motion to adjourn being again made after debate, the same was lost by the following vote :

(Senators.)

YEAS.

| | | |
|----------------|---------------|-----------------|
| Mr. Bradford, | Mr. Kingsley, | Mr. Woodbridge, |
| Mr. Etheridge, | | |

4

NAYS.

| | | |
|-------------|-----------------|-----------------|
| Mr. Cook, | Mr. Gordon, | Mr. Kercheval, |
| Mr. Curtis, | Mr. Greenly, | Mr. McCamly, |
| Mr. Drake, | Mr. Harrington, | Mr. Summers, |
| Mr. Gidley, | Mr. Hawkins, | Mr. Trowbridge, |

12

(Representatives.)

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |

24

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Hammond, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Newton, |
| Mr. Axford, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |

| | | |
|-----------------|--------------|---------------|
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Saunders, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tackels, |
| Mr. Fitzgerald, | Mr. Mead, | Mr. Tucker, |

27

A motion was made to proceed to a seventh vote, and the same was agreed to, as follows :

(Senators.)

YEAS.

| | | |
|-------------|-----------------|-----------------|
| Mr. Cook, | Mr. Greenly, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Harrington, | Mr. McCamly, |
| Mr. Drake, | Mr. Hawkins, | Mr. Summers, |
| Mr. Gidley, | Mr. Kercheval, | Mr. Trowbridge, |
| Mr. Gordon, | | |

13

NAYS.

| | | |
|---------------|----------------|-----------------|
| Mr. Bradford, | Mr. Etheridge, | Mr. Woodbridge, |
|---------------|----------------|-----------------|

3

(Representatives.)

YEAS.

| | | |
|-----------------|---------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Newton, |
| Mr. Adam, | Mr. Hammond, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Howland, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, |
| Mr. Axford, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Saunders, |
| Mr. Brown, | Mr. Little, | Mr. Smith, |
| Mr. Chapin, | Mr. Mack, | Mr. Speaker, |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, |
| Mr. Davis, | Mr. Mead, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Near, | |

35.

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Eaton, | Mr. Pond, |
| Mr. Chase, | Mr. Finney, | Mr. Seeley, |
| Mr. Clark, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Decker, | Mr. Grovier, | Mr. Shurts, |
| Mr. Dort, | Mr. Livermore, | Mr. Wixom, |

15.

Whereupon, a motion was made to adjourn *sine die*, which was disagreed to, as follows:

(*Senators.*)

YEAS.

Mr. Bradford,
Mr. Cook,

Mr. Etheridge,

Mr. Woodbridge,

4

NAYS.

Mr. Curtis,
Mr. Drake,
Mr. Gidley,
Mr. Gordon,

Mr. Greenly,
Mr. Harrington,
Mr. Hawkins,
Mr. Kercheval,

Mr. Kingsley,
Mr. McCamly,
Mr. Summers,
Mr. Trowbridge, 12

(*Representatives.*)

YEAS.

Mr. Beaufait,
Mr. Chase,
Mr. Clark,
Mr. Decker,
Mr. Dort,
Mr. Eaton,

Mr. Finney,
Mr. Goodwin,
Mr. Grovier,
Mr. Livermore,
Mr. McKee,
Mr. Patterson,

Mr. Pond,
Mr. Seeley,
Mr. Sheldon,
Mr. Shurts,
Mr. Wixom,

17

NAYS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. L. Allen,
Mr. Axford,
Mr. Bacon,
Mr. Brown,
Mr. Chapin,
Mr. Copeland,
Mr. Davis,
Mr. Durocher,

Mr. Fitzgerald,
Mr. Gibbs,
Mr. Hammond,
Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. Lowry,
Mr. Little,
Mr. Mack,
Mr. Meacham,
Mr. Mead,

Mr. Near,
Mr. Newton,
Mr. Ormsby,
Mr. Pierce,
Mr. Renwick,
Mr. Saunders,
Mr. Smith,
Mr. Speaker,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,

33

A motion was then made to adjourn to 2½ o'clock, which was disagreed to, as follows:

(Senators.)

YEAS.

| | | |
|-------------|-----------------|---------------------|
| Mr. Cook, | Mr. Gordon, | Mr. Kingsley, |
| Mr. Curtis, | Mr. Harrington, | Mr. Summers, |
| Mr. Gidley, | Mr. Hawkins, | Mr. Trowbridge, . 9 |

NAYS.

| | | |
|---------------|----------------|---------------------|
| Mr. Bradford, | Mr. Greenly, | Mr. McCamly, |
| Mr. Drake, | Mr. Kercheval, | Mr. Woodbridge, . 6 |

(Representatives.)

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Little, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Livermore, |
| Mr. Axford, | Mr. Grovier, | Mr. Mack, |
| Mr. Chapin, | Mr. Hammond, | Mr. Near, |
| Mr. Clark, | Mr. Howland, | Mr. Newton, |
| Mr. Decker, | Mr. Hooker, | Mr. Tucker, |
| Mr. Dort, | Mr. Lowry, | 90 |

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Renwick, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Bacon, | Mr. Jennings, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Meacham, | Mr. Sheldon, |
| Mr. Brown, | Mr. Mead, | Mr. Shurts, |
| Mr. Chase, | Mr. McKee, | Mr. Smith, |
| Mr. Copeland, | Mr. Ormsby, | Mr. Speaker, |
| Mr. Davis, | Mr. Patterson, | Mr. Stout, |
| Mr. Eaton, | Mr. Pierce, | Mr. Wixom, |
| Mr. Finney, | Mr. Pond, | 29 |

A motion was made to adjourn, which resulted as follows :

(Senators.)

YEAS.

| | | |
|----------------|-----------------|-----------------|
| Mr. Bradford, | Mr. Greenly, | Mr. McCamly, |
| Mr. Cook, | Mr. Harrington, | Mr. Woodbridge, |
| Mr. Etheridge, | Mr. Kingsley, | 8 |

NAYS.

| | | |
|-------------|----------------|-----------------|
| Mr. Curtis, | Mr. Gordon, | Mr. Summers, |
| Mr. Drake, | Mr. Hawkins, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Kercheval, | |

8

(Representatives.)

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. McKee, | Mr. Speaker, |
| Mr. Dort, | Mr. Patterson, | Mr. Wixom, |
| Mr. Eaton, | | |

25

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Axford, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Lowry, | Mr. Pierce, |
| Mr. Brown, | Mr. Little, | Mr. Renwick, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackles, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Hammond, | | |

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The Speaker deciding that the casting vote should here be given by the President of the Senate, Mr. Hawkins appealed therefrom, and the yeas and nays being called, the Chair was sustained by the following vote:

(Senators.)

YEAS.

| | | |
|----------------|-----------------|-----------------|
| Mr. Bradford, | Mr. Gordon, | Mr. McCamly, |
| Mr. Cook, | Mr. Harrington, | Mr. Summers, |
| Mr. Curtis, | Mr. Kercheval, | Mr. Woodbridge, |
| Mr. Etheridge, | Mr. Kingsley, | |

11

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Drake, | Mr. Greenly, | Mr. Trowbridge, |
| Mr. Gidley, | Mr. Hawkins, | |

5

(Representatives.)

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Saunders, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurtz, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. Hammond, | Mr. Tackels, |
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | Mr. McKee, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Little, | Mr. Pond, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Pierce, |
| Mr. Davis, | Mr. Mead, | Mr. Stout, |
| Mr. Howland, | Mr. Near, | |

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Whereupon, the President of the Senate rose, and giving the casting vote in the affirmative,

The Speaker declared the convention adjourned.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

E. J. ROBERTS,

Clerk House of Representatives.

The Senate having retired, the Speaker called the House to order, and on motion,

The House then adjourned.

FRIDAY, FEBRUARY 15.

The House met pursuant to adjournment, and on calling the roll, Messrs. A. Allen, L. Allen, Brown, Durocher, Goodwin, Hammond, Howland, Hooker, Levake, Near, Ormsby, Patterson, Renwick, Tackels and Tucker, were absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and corrected.

LEAVE OF ABSENCE.

Mr. Pond asked for and obtained leave of absence for Messrs. Patterson, A. Allen, Durocher and Hooker, until Tuesday next.

Mr. Acker, for Mr. Howland.

Mr. Axford, for Mr. Tackels, until Monday next.

Mr. Mead, for Mr. L. Allen, until Tuesday next.

Mr. Bacon, for Mr. Brown, until Monday next.

Mr. Newton, for Mr. Meacham, indefinitely.

Mr. Copeland, for Messrs. Hammond, Tucker, Goodwin and Renwick, (absent on committee of investigation,) until Monday next.

Mr. Smith, for Mr. Adam, from to-morrow until Thursday next.

Mr. Acker, for Messrs. Near and Ormsby, until Monday next.

Mr. Wixom, moved a call of the House, which being sustained, the members as before were absent.

On motion of Mr. Gibbs, further proceedings on the call were suspended.

PETITIONS.

By Mr. Finney. Against intersecting the Clinton and Kalamazoo canal, and for continuing said canal to the mouth of the Clinton river at Belvidere; referred to the committee on internal improvement.

By Mr. Copeland. Two several petitions of inhabitants of the counties of Wayne and Washtenaw, for the passage of a law pledging the faith of the State to aid in the construction of a canal from Gibraltar to Ypsilanti; referred to same committee.

Mr. Acker, pursuant to leave, introduced a bill to incorporate "the Jackson band;" referred to the committee on banks and incorporations

Mr. Dort, pursuant to leave, introduced "A bill to create the distinction of State paupers and to provide for their support;" referred to the committee of ways and means.

REPORTS.

Mr. Mack, from the committee of ways and means, reported the following resolution, which was adopted:

Resolved, That the State Treasurer be required to report to this House, whether the draft of J. D. Pierce, Superintendent of Public Instruction, dated July 2nd, 1838, and payable on or before December 15th, 1838, for the sum of \$10,000, has been paid, and if not, the reason for its non-payment.

Mr. Gibbs, pursuant to leave, introduced a bill appointing commissioners to lay out and establish a certain State road; referred to the committee on roads and bridges.

On motion of Mr. Sheldon,

The special order of the day being the "Bill to repeal the act appointing a State Printer, and prescribing his powers and duties," was postponed until Tuesday next.

On motion of Mr. Pond,

The resolution laid on the table by Mr. Durocher, on the 12th inst., relative to purchasing the Wayne county poor-house, for a marine hospital, was taken up and adopted.

On motion of Mr. Copeland,

The House then went into committee of the whole, Mr. Bacon in the chair, on the bill to incorporate the village of Jackson; after some time spent thereon, the committee rose and reported the same back to the House, with sundry amendments, and asked the concurrence of the House therein.

On motion of Mr. Bacon,

The bill was laid upon the table.

On motion of Mr. Wixom,

The House went into committee of the whole, Mr. Clark in the chair, on the bill to revive and continue in force an act entitled an "Act to provide for the disposition of prisoners apprehended within the county of Livingston," and after some time spent thereon, reported the same back to the House without amendment, and asked the concurrence of the House.

The House having concurred therein,

On motion of Mr. Wixom,

The rule was suspended, the bill read a third time and passed.

Mr. Saunders gave notice that at some future day he would ask leave to present a bill to instruct the Commissioners of internal improvement to deduct from the wages of all engineers on the railroads in Michigan, all damages they are accessary to on account of their wilfulness or neglect of duty.

On motion of Mr. Chase,

The House then adjourned until Monday next.

MONDAY, FEBRUARY 18.

The House met pursuant to adjournment, and on calling the roll, Messrs. Brown, Eaton, Howland, Ormsby, Shurts and Tackels were absent; and also absent on leave, Messrs. Adam, A. Allen, L. Allen, Durocher, Hammond, Hooker, Meacham, Patterson and Renwick.

Prayer by the Rev. Mr. Duffield.

The journal of Friday was read and approved.

Leave of absence was asked and obtained by Mr. Sheldon for Mr. Eaton, until to-morrow.

By Mr. Dort, for Mr. Shurts, the same.

PETITIONS.

By Mr. Saunders. Of members and witnesses attending brigade court martial, convened at the city of Detroit, Dec. 24, 1896, for compensation; referred to the committee on claims.

By Mr. Stout. Of inhabitants of the town of Thornapple, Barry county, for a division of said town; referred to the committee on towns and counties.

By Mr. King. Of inhabitants of Michilimackinac county, for the organization of a township; referred to the same committee.

By Mr. Finney. Of J. V. Harris and others, of Ottawa county, that the limits of the town of Tallmadge may be so extended as to include townships 5 and 6 north, of range 13 west, and 5, 6, 7 and 8, north, of range 14 west; referred to the same committee.

By Mr. Seeley. Of citizens of Hillsdale county, for the removal of the seat of justice of said county from Jonesville to Hillsdale; referred to the same committee.

By Mr. King. Of inhabitants of Michilimackinac, for aid in erecting county buildings; referred to the committee on ways and means.

By Mr. Finney. The claim of C. S. Walker, for printing military orders, &c.; referred to the committee on claims.

By Mr. Grovier. The claim of J. H. Perry for printing; the same reference.

By Mr. Fitzgerald. Of 133 citizens of Kalamazoo and Van Buren counties, for an appropriation upon the western portion of the central railroad; referred to the committee on internal improvement.

Also, of sundry citizens of Bainbridge, in the county of Berrien, for the same object; referred to the same committee.

Also, of T. S. Smith and others, of Royalton, in the county of Berrien, on the same subject; like reference.

By the Speaker. Of the Oakland county temperance society, for the passage of a law prohibiting the sale of intoxicating liquors in less quantities than 15 gallons; referred to the select committee on temperance.

REPORTS.

Mr. Pond, from the committee on ways and means, reported "A bill pertaining to the duties of township assessors, and for repealing parts of the Revised Laws relating thereto," which was referred to the committee of the whole, and ordered to be printed.

Mr. Finney, chairman of the committee on internal improvement, reported "A bill to amend an act entitled an act to incorporate the Port Sheldon and Grand Rapids railroad company;" referred to the committee of the whole, and ordered to be printed.

The Speaker announced a communication from the State Treasurer, in relation to "money on hand belonging to the school fund," which was referred to the committee on ways and means.

The Speaker also announced a report from the Bank Commissioners, Messrs. Felch and Pritchette, under the joint resolution "to examine into the affairs and condition of the Bank of Ma-

comb county and Oakland county bank," which was laid upon the table and ordered to be printed.

The Speaker also announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,)
February 16th. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return herewith the joint resolution authorizing the collector of the port of Detroit to purchase the county poor-house for a Marine hospital, and respectfully inform you that the same has been concurred in by the Senate.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the said joint resolution was ordered to be enrolled.

The Speaker also announced the following communication :

HON. K. S. BINGHAM, *Speaker of the House of Representatives :*

Sir : The executive committee of the Bible society of the State of Michigan, respectfully invite yourself and the members of the House to attend the first anniversary meeting of the society, to be held in the Presbyterian church in this city, on Thursday next, 21st inst., at 7 o'clock, P. M.

CHARLES JONES,

Sec'y Executive Com., Feb. 18th, 1839.

RESOLUTIONS AND NOTICES.

Mr. Levake laid the following resolution upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the acting Commissioner on the St. Marie's canal be authorized to advance to the present contractors (on good security,) a sum not exceeding ten thousand dollars.

On motion of Mr. Finney,

Resolved, That the judiciary committee be instructed to report a bill authorizing county commissioners of newly organized counties to employ the county register or some other person, to transcribe from the records of the counties to which they were formerly attached for judicial purposes, all records of conveyances affecting lands within the limits of said newly organized county.

Mr. Finney gave notice that at some future day he should ask

leave to introduce a bill amendatory to an act entitled "An act to incorporate the Grand Rapids bridge company."

Mr. Gibbs gave notice that at some future day he should ask leave to introduce a bill authorizing Stephen H. Preston, his heirs and assigns, to erect a dam across the Kalamazoo river, on section thirty-three, in township 2 south, of range 6 west, in Calhoun county.

Mr. Axford gave notice that on some future day he should ask leave to bring in a bill to amend an act to provide for a geological survey of the State, approved March 22, 1838.

On motion of Mr. Fitzgerald,

The general order of the day, being the bill for the relief of settlers, was suspended, and,

On motion of Mr. Goodwin,

The "Bill to ascertain the value of a certain school section in the county of Branch," was taken up in committee of the whole, Mr. Smith in the chair.

After some time spent thereon, the committee rose and reported the same with an amendment, which was adopted by the House, the rule suspended, the bill read a third time and passed; a motion to strike out the proviso therein, by Mr. Wixom, being lost.

On motion of Mr. Gibbs,

The "Bill to amend chapter 2 of title 7, part 1, of the Revised Statutes, relative to sales at auction," was taken up in committee of the whole, Mr. Little in the chair.

After some time spent thereon, the committee rose and reported without amendment, and on motion of Mr. Acker, the bill was laid upon the table.

On motion of Mr. Gibbs,

The "Bill from the Senate to amend title second of the third part of the Revised Statutes," was taken up in committee of the whole, Mr. Wixom in the chair.

After some time spent thereon, the committee rose and reported, and on motion of Mr. Acker, the bill was ordered to be printed.

On motion of Mr.

The bill relative to school books and books for school district

libraries, was taken up in committee of the whole, Mr. Acker in the chair.

After some time spent thereon, the committee rose and reported with an amendment, which was adopted by the House; the rule was suspended, bill read a third time and passed.

On motion of Mr. Dort,

The bill to amend the chapter of the Revised Statutes entitled "Of primary schools," was taken up in committee of the whole, Mr. Tucker in the chair, and after some time spent thereon, the committee rose, reported progress, and obtained leave to sit again.

The following communication was received from the Executive:

EXECUTIVE DEPARTMENT, }
February 18th, 1839. }

To the House of Representatives:

I transmit herewith certain resolutions received from the Gov. of North Carolina, relative to the general government, which I am requested to lay before the Legislature.

S. T. MASON.

And the said resolutions were read and laid upon the table.

On motion of Mr. Little,

The House adjourned.

TUESDAY, FEBRUARY 19.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. H. Allen, L. Allen, Durocher, Eaton, Hooker, Livermore, Meacham, Ormsby, Patterson and Shurts.

Also, absent on committees of investigation, Messrs. Adam, Hammond and Renwick.

Prayer by the Rev. Mr. Duffield.

Journal of yesterday read and approved.

Leave of absence was asked and obtained by Mr. Chapin for Mr. Shurts, until to-morrow.

By Mr. Axford for Mr. Tackels, until Thursday.

By Mr. Sheldon for Mr. Eaton, until to-morrow.

By Mr. Smith for Messrs. Patterson and Allen, until to-morrow.

PETITIONS.

By Mr. Davis. Of citizens of the township of Southfield, Oakland county, that the price of the four sections of university lands situate in said township, may be reduced to their fair cash value; referred to the committee on university and school lands.

By Mr. Bacon. Remonstrance of citizens of Hillsdale county, against laying out a state road from the Chicago road to the village of Hillsdale; referred to committee on roads and bridges.

REPORTS.

Mr. Mack, from the committee of ways and means, reported a bill to amend the revised law, in relation to taverns and other licensed houses, which was laid upon the table.

Mr. Finney, from the committee on internal improvement, reported against any amendment of the act, approved March 22nd, 1838, "for continuing the geological survey," which report was adopted, and the committee discharged from further consideration of that subject.

Also, reported back to the House the petition of citizens of Wayne, for an increase of the powers of Gibraltar and Flat rock company, for the construction of a canal from Gibraltar in Wayne county, to Ypsilanti in Washtenaw county, and asked its reference to the committee on banks and incorporations, which said pe-

tion being so referred, the committee was discharged from further consideration of the subject.

Mr. Fitzgerald, from the committee on banks and incorporations, reported a "Bill to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes;" read a first and second time, and referred to the committee of the whole, and ordered to be printed.

Mr. Gibbs, pursuant to leave, introduced a bill authorizing S. H. Preston, his heirs and assigns, to erect a dam across the Kalamazoo river; referred to committee on banks and incorporations.

The Speaker announced a communication from the State Treasurer, on the subject of the draft drawn by J. D. Pierce, Superintendent of Public Instruction; referred to the committee of ways and means.

Also, a communication from the Attorney General, with the accompanying report of the list of banks in this State now under injunction, which was laid upon the table and ordered to be printed:

Also, the following message from the Senate:

SENATE CHAMBER, }
February 19. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return herewith the "Bill to change the name of John F. Kerchoffer," and respectfully inform you that the same has been concurred in by the Senate.

SAM'L YORKE AT LEE,

Secretary of Senate.

And the said bill was ordered to be enrolled.

Mr. Near gave notice that at some future day he should ask leave to introduce a bill authorizing Abraham Clark and others, to erect a dam across Red Cedar river, on section 21, in township 4 north, range one west, in the county of Ingham.

On motion of Mr. Smith,

The report of the Bank Commissioners of yesterday, was referred to the committee on banks and incorporations.

On motion of Mr. Sheldon,

The House resolved itself into committee of the whole, on the special order of the day, being the "Bill to repeal the act providing for the appointment of State Printer," Mr. Copeland in the chair, and after some time spent thereon, the committee rose, reported progress and asked leave to sit again.

The House having the same under consideration, and on motion of Mr. Sheldon, the yeas and nays being called, leave was granted by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Decker, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pond, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Brown, | Mr. Little, | Mr. Smith, |
| Mr. Chase, | Mr. Mead, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | | |

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NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Chapin, | Mr. Goodwin, | Mr. McKee, |
| Mr. Clark, | Mr. Grovier, | Mr. Saunders, |
| Mr. Dort, | Mr. King, | Mr. Seeley, |
| Mr. Finney, | Mr. Livermore, | Mr. Speaker, |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Wixom, |
| Mr. Gibbs, | | |

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Mr. Acker called up the bill in relation to the Revised Statutes, respecting sales at auction, offered a substitute therefor, and the same was referred to a select committee, consisting of Messrs. Acker, Goodwin and Mack.

On motion of Mr. Wixom,

The House adjourned.

WEDNESDAY, FEBRUARY 20.

The House met pursuant to adjournment, and the roll being called, Messrs. A. Allen, L. Allen, Eaton, Hooker and Ormsby were absent.

Also, Messrs. Meacham, Shurts and Tackels, on leave; and Messrs. Adams, Hammond and Renwick, on committee of investigation.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. Lowry asked for and obtained leave of absence for Mr. L. Allen, until to-morrow.

Mr. Smith for Mr. A. Allen, the same.

Mr. Mead for Mr. Ormsby, the same.

Mr. Durocher for Mr. Hooker.

PETITIONS.

By Mr. Grovier. Two petitions of 58 and 49 inhabitants, for the division of the town of Macomb, Macomb county; referred to the committee on towns and counties,

Also, a remonstrance against the division of the township of Macomb; referred to same committee.

By Mr. Wixom. Of 115 citizens of the counties of Wayne and Oakland, asking for the incorporation of a company to build a canal from Ore creek to Detroit; referred to the committee on internal improvement.

By Mr. Chapin. Two petitions of citizens of St. Joseph county, praying for the improvement of the St. Joseph river and the survey of a canal; referred to the same committee.

By Mr. Gibbs. A claim of H. C. Bunce, for printing; referred to the committee on claims.

By Mr. Smith. A claim of D. S. Curtis, for printing; referred to the same committee.

By Mr. Clark. Of 119 citizens of Oakland county, praying for the passage of a law making real and personal estate, at a fair appraisement, available for the payment of debts; referred to the committee on the judiciary.

By Mr. Dort. Of Elliot Gray, agent of Benjamin Walker, praying that commissioners may be appointed to examine and

appraise damages done a certain lot of land, by the location of the central railroad, and for timber cut on said land for the use of said road; referred to the committee on claims.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled "An act to change the name of John F. Kirchoffer;" a "joint resolution relative to supplying the library of the university with certain State Documents," and a "joint resolution authorizing the collector of the port of Detroit to purchase the county poor-house for a Marine hospital."

The Speaker announced a communication from the president of the board of internal improvement in relation to the survey of a railroad route from Centerville, via Lockport, Geneva and Cassopolis, to Niles, which was referred to the committee on internal improvement.

Also, a communication from the Librarian, which was referred to the committee on library.

Also, the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, February 20, 1889. }

To the Speaker of the House of Representatives:

I am instructed by the Senate to transmit herewith to the House of Representatives, the "Bill to amend chapter 3, title 1, part 3 of the Revised Statutes, entitled "of the circuit courts," also, the "Bill authorizing Giles B. Kellogg to make partition and sale of certain lands," and inform you that the same have passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the said bills were read a first and second time, and referred to the committee on the judiciary.

RESOLUTIONS.

On motion of Mr. Pond,

Resolved, That the committee on the organization of towns and counties be instructed to inquire and report to this House, by

bill or otherwise, on the expediency of requiring by law the registers of deeds within the various counties of this State, to which other counties are or may be attached for judicial purposes, to keep separate books of record for said several counties, and to enter and keep therein, in due form, the various records properly belonging to each several county, separate and distinct from the other.

Mr. Levake called up his resolution laying upon the table, to which Mr. Wixom offered the following substitute, and the same was accepted by Mr. Levake, and adopted :

"That the committee on internal improvement be, and they are hereby instructed, to inquire into the expediency of paying contractors in advance on all works of internal improvement, when the said contractors will give ample security, and report to this House by bill or otherwise."

Mr. McKee gave notice that he should, on some future day, ask leave to introduce a bill to amend an act entitled "An act to incorporate the Owasso and Saginaw navigation company," approved March 21, 1837.

Mr. Little gave notice that at some future day he would ask leave to introduce a bill amendatory to an act entitled "An act to incorporate the Saginaw and Genesee railroad company."

Mr. Gibbs gave notice that at some future day he should ask leave to bring in a bill to provide for the draining of swamps, marshes, and other low lands.

Mr. Tucker gave notice that on some future day he should ask leave to bring in a bill to establish the boundary lines of the township of China, in the county of St. Clair, and for other purposes.

Mr. Fitzgerald called up the "Bill for the relief of certain settlers on university and State lands," and the House resolved itself into committee of the whole thereon, Mr. Smith in the chair, and after some time spent thereon, rose and reported the same back to the House without amendment.

The bill being under consideration, Mr. Goodwin offered an amendment, which, with the bill, was laid upon the table and ordered to be printed.

On motion of Mr. McKee,

The House took up in committee of the whole, the "Bill to

organize and divide certain townships," Mr. Finney in the chair, and after some time spent thereon, rose and reported the same back to the House with amendments; and the same being under consideration, on motion of Mr. Acker, the bill was laid upon the table.

On motion of Mr. Chapin,
The House adjourned.

THURSDAY, FEBRUARY 21.

The House met pursuant to adjournment, and on calling the roll, Messrs. L. Allen, Decker and Levake were absent.

Also, Messrs. Meacham, Tackels and Shurts, absent on leave, Messrs. Adam, Hammond and Renwick, absent on committee of investigation.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Brown. Of 300 citizens of Kalamazoo county, for an appropriation on the western end of the central railroad; referred to the committee on internal improvement.

By Mr. Goodwin. Of Thomas L. Brent, in relation to the improvement of Flint river and for other purposes; referred to the same committee.

By Mr. Smith. Of the president and trustees of the village of Tecumseh, for an amendment of the charter of said village; referred to the committee on banks and incorporations.

By Mr. Howland. Of certain inhabitants of the county of Washtenaw, praying for an act of incorporation of the trustees of East Sylvan academy; referred to committee on education.

By Mr. Dort. Of Daniel Thompson, keeper of Wayne county jail, that a law may be passed to authorize county commissioners to pay discount on county money received for subsistence and articles furnished said jail; referred to committee on ways and means.

By Mr. Pierce. Of citizens of the county of Washtenaw,

praying for the repeal of the law licensing the sale of intoxicating liquors ; referred to the select committee on that subject.

By Mr. Jennings. Of citizens of Livingston county, against the retailing of intoxicating drinks ; referred to the same committee.

By Mr. Wixom. Claim of L. H. Hays, for services as special messenger ; referred to the committee on claims.

REPORTS.

Mr. Gibbs, from the judiciary committee, reported the following bills :

" A bill to provide for the government and discipline of the State prison ;" which was referred to the committee on State prison.

" A bill to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer ;" referred to a committee of the whole.

" A bill to legalize the proceedings of a school district meeting, in the township of Plymouth ;" same reference.

Also, reported adverse to the petition of the collector of the township of Ypsilanti, and on motion the committee were discharged from the further consideration of that subject.

Also, reported back to the House without amendment, the bill to amend chapter 3, title 1, part 3 of the Revised Statutes, entitled " of the circuit courts."

Also, a " Bill authorizing Giles B. Kellogg to make purchase and sale of certain lands ;" both of which bills were referred to committee of the whole.

Mr. Bacon, from the judiciary committee, reported a bill to amend an act granting to Homer L. Graham, the right to keep and maintain a ferry across the Detroit river ; the same reference.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred that part of the Governor's message relative to a State bank, reported a bill, accompanied by a report, and the same was laid upon the table, 300 copies of the bill ordered to be printed, and 1000 copies of the report.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
February 21, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following act, and joint resolutions, viz :

“ An act to change the name of John F. Kerchoffer.”

“ A joint resolution relative to supplying the library of the university with certain State documents.”

“ A joint resolution relative to the purchase of Wayne county poor house by the collector of the port of Detroit, for a marine hospital.”

S. T. MASON.

RESOLUTIONS.

On motion of Mr. McKee,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of instructing the board of internal improvement to locate the Clinton and Kalamazoo canal on the most eligible route to the navigable waters of Grand river, instead of locating the same to the mouth of the Kalamazoo river, as heretofore required.

Mr. Goodwin laid the following joint resolution on the table :

Resolved, by the Senate and House of Representatives, That all further proceedings on the north track of the rail road through the city of Monroe, be hereby suspended, and that the acting Commissioner be directed not to let any contract for said work.

Mr. Finney gave notice, that at some future day he should ask leave to introduce a bill to legalize elections in the county of Ottawa.

Mr. Wixom laid the following resolution upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That a committee, consisting of two members of the House of Representatives and one of the Senate, be appointed, whose duty it shall be to examine into and report to this Legislature,

1st. The time when the settlers on the lands located by the State for university and State purposes, located and settled on the same.

2d. Whether they have settled the same without the aid or as-

sistance of any other person or persons, who are to be benefitted by such location, and whether they have not conditionally bargained or sold said premises.

3d. Whether the said settlers have other lands and improvements within this State, which they occupy or receive the benefit of.

4th. Said committee are authorized to inquire into and report all other facts and matters pertaining to the interests of this State or of said settlers, which in their opinion may be necessary in the premises.

Said committee are required without delay to meet at the village of Niles, in Berrien county, at the village of Kalamazoo, Kalamazoo county, and at the village of Kent, in Kent county, with power to issue subpoenas, directed to any proper officer, who is hereby authorized and required to serve the same, to call all such persons before them as may be necessary to ascertain all the facts above mentioned. Said committee shall perform the duties hereby required of them, and report without unnecessary delay; and the Superintendent of Public Instruction is hereby required to suspend all sales of the lands above mentioned, until otherwise ordered by the Legislature.

On motion of Mr. Patterson,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of prohibiting, by law, the engineers employed on the public works from becoming contractors, or interested in contracts on said works.

On motion of Mr. Ormsby,

Resolved, That a select committee of three be appointed to inquire into the nature and situation of the contract for the construction of that part of the central railroad, lying between Ypsilanti and Ann Arbor, and what Legislative action, if any, is necessary to expedite the completion of the work, and report thereon.

Whereupon the Speaker announced as such committee, Messrs. Ormsby, Saunders and Lowry.

On motion of Mr. Dort, of Wayne, amended by Mr. Mack,

Resolved, That on and after Monday next, the House meet at 9 o'clock in the morning of each day.

On motion of Mr. Mead,

The report of the judiciary committee, in relation to the petition of James Saunders, collector of Ypsilanti, for relief, was reconsidered, and the petition referred to select committee, consisting of Messrs. Mead, Gibbs and Pierce.

On motion of Mr. Fitzgerald,

The "Bill for relief of certain settlers on university and State lands," was taken up, and the House having under consideration the amendment of Mr. Goodwin, Mr. Fitzgerald offered an amendment to the amendment, as an additional section, and after debates thereon, the same was withdrawn.

Mr. Pierce then offered an amendment to the bill, as an amendment to the amendment ; which, after debates thereon, Mr. Tucker moved to lay the bill and amendments upon the table, and the yeas and nays being called, the same was lost by the following vote :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. King, | Mr. Ormsby, |
| Mr. Clark, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Mead, | Mr. Tucker, |
| Mr. Hooker, | Mr. Near, | Mr. Wixom, |
| Mr. Jennings, | | |

16

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Durocher, | Mr. McKee, |
| Mr. Axford, | Mr. Finney, | Mr. Newton, |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, |
| Mr. Brown, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Howland, | Mr. Smith, |
| Mr. Copeland, | Mr. Little, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Stout, |

27

The question being then taken by yeas and nays, on the amendment offered by Mr. Pierce, which was in the following words :

"That it shall be the duty of the county commissioners of the several counties, in which university and school lands are situa-

ted, which are occupied and improved by persons residing upon them, to lease to said occupants so much of said lands as are occupied and improved by them respectively for such length of time as will pay each occupant for all the improvements made by him on said lands : *Provided, however,* That no lease, hereby contemplated, shall extend for a longer time than six years from and after the passage of this act."

The same was lost by the following vote :

YEAS.

| | | | |
|---------------|------------|-------------|---|
| Mr. Jennings, | Mr. Lowry, | Mr. Pierce, | 3 |
|---------------|------------|-------------|---|

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. Axford, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Copeland, | Mr. Livermore, | Mr. Speaker, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Dort, | Mr. Mead, | Mr. Tucker, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | | 40 |

Mr. Finney offered the following preamble and resolutions, which were adopted :

Whereas, it is just and proper for a free people to remember those epochs in their history identified with the progress of civil liberty ; and whereas, a tribute of respect is due the memory of George Washington, for his mental and moral worth, and for his proud achievements in the establishment of American independence ; and whereas, the 22d day of February is the anniversary of the birth-day of the immortal Washington ; therefore,

Resolved, That this House shall meet to-morrow at ten o'clock, to listen to the reading of the " Farewell address" of the " Father of his country, who was first in war, first in peace, and first in the hearts of his countrymen ;" and,

Resolved, That the Hon. Speaker be requested to read said address.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
February 21, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit herewith to the House of Representatives "A bill to provide for the appointment of circuit attorneys, and to define their duties," and inform you that the same has passed the Senate, and the concurrence of the House is respectfully asked herein.

Also, to return the joint resolution, providing for the payment of certain witnesses who attended the committee last year, concerning the location of the northern and southern railroads, and inform you that the same has passed the Senate.

Also, to return "A bill relative to the records of the court of probate for the county of Cass," and inform you that the same has passed the Senate with an amendment, in which the concurrence of the House is respectfully asked.

C. B. H. FESSENDEN,

Secretary pro tem.

And the bill "to provide for the appointment of circuit attorneys, and to define their duties," was read a first and second time, and referred to the committee on the judiciary.

On motion of Mr. Saunders,

The House adjourned.

FRIDAY, FEBRUARY 22.

The House met pursuant to adjournment, and on calling the roll, there were absent Messrs. Bacon, Decker, Goodwin, Levake, and Messrs. Meacham, Shurts and Tackels on leave.

Also, Messrs. Hammond and Renwick, on committee of investigation.

Prayer by the Rev. Mr. Duffield.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. Wixom asked for and obtained leave of absence for Mr. Decker, until Monday.

Mr. Brown, for Mr. Bacon, the same.

Mr. Acker, for Mr. Goodwin, until Tuesday.

On motion of Mr. Acker,

A committee consisting of Messrs. Acker and Mack, were appointed to wait upon the Senate, and request them to unite with the members of the House in reading the Farewell Address of the father of American liberty, George Washington.

Mr. Jennings asked for and obtained leave to withdraw one of the petitions, in relation to the boundary line of the counties of Oakland and Livingston.

Messrs. Gidley and Greenly from the Senate, were announced, informing the House that the Senate had accepted their invitation.

The Representatives rose and received the Senators, and the Farewell Address of George Washington, was read by the Speaker, agreeable to resolution of yesterday.

Mr. Fitzgerald then offered the following resolution, which was adopted by the House.

Resolved. That the thanks of this House be, and they are hereby tendered to the honorable the Senate, for their prompt and polite acceptance of the invitation of the House, to unite with them in the reading of the Farewell Address of Washington, on this the anniversary of the birth-day of the father of his country.

Mr. Bradford, of the Senate, then moved that the thanks of both Houses be presented to the Speaker, and the question being put by Mr. Wing, President of the Senate, pro tem., the same was adopted.

On motion of Mr. Gidley, the convention adjourned.

On motion of Mr. Little,

The House adjourned.

SATURDAY, FEBRUARY 23.

The House met pursuant to adjournment, and the roll being called, there were absent Mr. Levake.

On leave, Messrs. Bacon, Decker, Goodwin, Meacham and Shurts.

On committee of investigation, Messrs. Hammond and Renwick.

Prayer by Rev. Mr. Duffield.

The journal of yesterday was read and approved.

ABSENCE.

Mr. Chase asked for and obtained leave of absence for Mr. Livermore until Monday next.

Mr. Fitzgerald for Mr. Grovier, the same.

PETITIONS.

By Mr. Adam. A communication from the editor of the Journal of Education, relative to the appointment of a State agent to deliver lectures on the subject of education; referred to the committee on education.

By Mr. Seeley. Of citizens of Hillsdale county, for a State road from the town of Somerset to the village of Hillsdale, in said county; referred to the committee on roads and bridges.

By Mr. Adam. Of sundry citizens of Lapeer county, for the organization of a township; referred to the committee on towns and counties.

By Mr. Smith. Of the board of commissioners of Lenawee county, for authority to borrow a sum of money to complete the county buildings; referred to a select committee, consisting of Messrs. Smith, Adam, Patterson, Allen and Brown.

Also, of sundry citizens of Lenawee county, for repeal of the license law; referred to select committee on that subject.

By Mr. A. Allen. Of 78 citizens of Lenawee county, for a

State bank ; referred to the committee on banks and incorporations.

Also, of 25 citizens of said county, against the passage of a law making or requiring personal or real estate, when taken on executions, to be sold at not less than two-thirds of its appraised value ; referred to the committee on the judiciary.

By Mr. Wixom. Claim of Caleb Buckman, sheriff of Oakland county, for services rendered the State ; referred to the committee on claims.

By Mr. Ormsby. Of citizens of Washtenaw, on the subject of flowing lands by the means of mill dams ; referred to the judiciary committee.

Also, of sundry citizens of said county, to abolish the law legalizing the sale of ardent spirits ; referred to the select committee on that subject.

By Mr. Fitzgerald. Of Robert E. Ward and others, of Berrien county, for authority to build a bridge across the St. Joseph river at the village of Berrien ; referred to the committee on banks and incorporations.

By Mr. L. Allen. Of inhabitants of the towns of Napoleon and Grass lake, for the organization of a town by the name of Baraon ; referred to the committee on towns and counties.

By Mr. Fitzgerald. Of Timothy Harris and others, of New Buffalo, for an act to incorporate the New Buffalo Lake Port railroad company ; referred to the committee on banks and incorporations.

Also, a petition of citizens of Keelersville, in Van Buren county, for an appropriation upon the western end of the central railroad ; referred to the committee on banks and incorporations.

REPORTS.

Mr. Patterson, from the committee on agriculture, reported a bill for the promotion of agriculture, accompanied by a report, which, on motion, was laid on the table, and the usual number of copies of the bill, and 500 copies of the report ordered to be printed.

RESOLUTIONS AND NOTICES.

Mr. A. Allen gave notice that at some future day he would ask leave to bring in a bill to legalize the acts of certain township officers of the township of Dover, Lenawee county.

On motion of Mr. Finney,

Resolved, That the Governor be requested to furnish the House with a statement of the proceedings had, under his direction, for procuring the release of Howland Hastings, a citizen of Michigan, lately unjustly incarcerated in a Canadian prison, and the correspondence between his Excellency and the governor of the province of Upper Canada, in relation to said Hastings, and the cause of his imprisonment.

On motion of Mr. Chase,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so altering the law that requires a specific tax from merchants, tavern keepers and others, that the same shall be assessed by the several township boards that are authorized to give license for said privileges, according to the value thereof, as the case may be.

Mr. Lowry gave notice that on some future day he should ask leave to bring in a bill to provide for the assessment of damages caused by the location and construction of railroads and canals in certain cases.

On motion of Mr. Darocher,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of continuing the southern State railroad through the city of Monroe, to the pier at the harbor of Brest, with power to send for persons and papers, and that they report by bill or otherwise.

On motion of Mr. Adam,

The resolutions lying on the table from the legislature of North Carolina, were referred to a select committee of seven, consisting of Messrs. Adam, Bacon, Fitzgerald, Tucker, Gibbs, Jennings and Finney.

On motion of Mr. Fitzgerald,

The bill for the relief of certain settlers on university lands was taken up.

The same being under consideration, Mr. Wixom offered the following amendment :

The minimum price of school lands on the same terms as shall have been sold within this State, provided the board of Regents of the university assent thereto ; and provided further, that Congress will allow said Regents to purchase the same number of sections on the unsold and unoccupied lands within this State, for the use and benefit of the university fund.

The yeas and nays being called for, the same was rejected by the following vote :

YEAS.

| | | | |
|---------------|---------------|-------------|---|
| Mr. Acker, | Mr. Eaton, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Davis, | Mr. Lowry, | Mr. Wixom, | 9 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, | |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Brown, | Mr. King, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Little, | Mr. Smith, | |
| Mr. Chase, | Mr. Mack, | Mr. Speaker, | |
| Mr. Clark, | Mr. Mead, | Mr. Stout, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Near, | Mr. Tucker, | |
| Mr. Finney, | Mr. Newton, | | 32 |

Mr. Adam offered an amendment to the sixth section, which was adopted.

Mr. Howland then moved the previous question, which was negatived, as follows :

YEAS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. Acker, | Mr. Eaton, | Mr. Jennings, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Lowry, | |
| Mr. Davis, | Mr. Hooker, | Mr. Little, | |
| Mr. Dort, | | | 10 |

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Pond, |
| Mr. A. Allen, | Mr. King, | Mr. Saunders, |
| Mr. Axford, | Mr. Mack, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Mead, | Mr. Sheldon, |
| Mr. Brown, | Mr. McKee, | Mr. Smith, |
| Mr. Chapin, | Mr. Near, | Mr. Speaker, |
| Mr. Chase, | Mr. Newton, | Mr. Stout, |
| Mr. Clark, | Mr. Ormsby, | Mr. Tackels, |
| Mr. Durocher, | Mr. Patterson, | Mr. Tucker, |
| Mr. Finney, | Mr. Pierce, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

31

Mr. Ormsby offered the following, which was lost.

Resolved, That the committee on university and school lands be instructed to report to the House what amount of university lands was located by fractions of sections, of lands occupied by settlers, and what number of sections, the same as located upon, and what proportion the land so located bears to the amount of land charged to the State by the United States for the land located, or so far as their information will permit.

The question being on the amendment offered by Mr. Goodwin, it was agreed to as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Axford, | Mr. King, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Mack, | Mr. Smith, |
| Mr. Brown, | Mr. Near, | Mr. Speaker, |
| Mr. Chapin, | Mr. Newton, | Mr. Stout, |
| Mr. Chase, | Mr. Patterson, | Mr. Tackels, |
| Mr. Durocher, | Mr. Pond, | Mr. Tucker, |
| Mr. Finney, | | |

25

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Eaton, | Mr. Little, |
| Mr. L. Allen, | Mr. Howland, | Mr. Mead, |
| Mr. Clark, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Davis, | Mr. Jennings, | Mr. Pierce, |
| Mr. Dort, | Mr. Lowry, | Mr. Wixom, |

15

The question being on ordering the bill to a third reading, it was agreed to, as follows :

YEAS.

| | | |
|-----------------|--------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Saunders, |
| Mr. Axford, | Mr. King, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Brown, | Mr. Little, | Mr. Smith, |
| Mr. Chapin, | Mr. Mack, | Mr. Speaker, |
| Mr. Chase, | Mr. McKee, | Mr. Stout, |
| Mr. Durocher, | Mr. Near, | Mr. Tackels, |
| Mr. Finney, | Mr. Newton, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Ormsby, | |

32

NAYS.

| | | |
|------------|---------------|-------------|
| Mr. Acker, | Mr. Dort, | Mr. Pierce, |
| Mr. Clark, | Mr. Eaton, | Mr. Wixom, |
| Mr. Davis, | Mr. Jennings, | |

8

The question being, on motion of Mr. Acker, to adjourn, it was negatived as follows :

YEAS.

| | | |
|---------------|------------|-------------|
| Mr. Acker, | Mr. Clark, | Mr. Hooker, |
| Mr. L. Allen, | Mr. Davis, | Mr. Lowry, |
| Mr. Brown, | Mr. Eaton, | Mr. Mead, |

9

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Howland, | Mr. Pond, |
| Mr. A. Allen, | Mr. Jennings, | Mr. Saunders, |
| Mr. Axford, | Mr. King, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Little, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Mack, | Mr. Smith, |
| Mr. Chase, | Mr. McKee, | Mr. Speaker, |
| Mr. Dort, | Mr. Near, | Mr. Stout, |
| Mr. Durocher, | Mr. Newton, | Mr. Tackels, |
| Mr. Finney, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Wixom, |
| Mr. Gibbs, | Mr. Pierce, | |

32

The rule having been suspended, the bill as amended, was read a third time, and the same was laid upon the table, on motion of Mr. Ormsby, by the following vote :

YEAS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Newton, | |
| Mr. A. Allen, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Jennings. | Mr. Patterson, | |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Clark, | Mr. Little, | Mr. Seeley, | |
| Mr. Davis, | Mr. Mead, | Mr. Tucker, | |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, | 21 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Sheldon, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Smith, | |
| Mr. Chapin, | Mr. King, | Mr. Speaker, | |
| Mr. Chase, | Mr. Mack, | Mr. Stout, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Pond, | | 20 |

- Mr. Acker moved that the House adjourn, which was negatived, as follows :

YEAS.

| | | | |
|---------------|---------------|-------------|----|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, | |
| Mr. A. Allen, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Clark, | Mr. Lowry, | Mr. Tucker, | |
| Mr. Davis, | Mr. Little, | Mr. Wixom, | 18 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. King, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Mack, | Mr. Smith, | |
| Mr. Chase, | Mr. McKee, | Mr. Speaker, | |
| Mr. Dort, | Mr. Newton, | Mr. Stout, | |
| Mr. Durocher, | Mr. Patterson, | Mr. Tackels, | |
| Mr. Finney, | Mr. Pond, | | 23 |

The question being on re-considering the vote laying the bill on the table, it was agreed to, as follows :

YEAS.

| | | |
|-------------|-----------------|---------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Brown, | Mr. King, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Mack, | Mr. Smith, |
| Mr. Chase, | Mr. McKee, | Mr. Speaker, |
| Mr. Dort, | Mr. Newton, | Mr. Stout, |
| Mr. Finney, | Mr. Pond, | Mr. Tackels, |

21

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Patterson, |
| Mr. Clark, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Little, | Mr. Tucker, |
| Mr. Durocher, | Mr. Mead, | Mr. Wixom, |
| Mr. Eaton, | | |

19

The question being again upon laying the bill on the table, it was negatived, as follows :

YEAS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Mead, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Near, |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, |
| Mr. Clark, | Mr. Lowry, | Mr. Tucker, |
| Mr. Davis, | Mr. Little, | Mr. Wixom, |
| Mr. Eaton, | | |

16

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. King, | Mr. Seeley, |
| Mr. Chapin, | Mr. Mack, | Mr. Sheldon, |
| Mr. Chase, | Mr. McKee, | Mr. Smith, |
| Mr. Dort, | Mr. Newton, | Mr. Speaker, |
| Mr. Durocher, | Mr. Ormsby, | Mr. Stout, |
| Mr. Finney, | Mr. Patterson, | Mr. Tackels, |

24

Mr. Acker moved a call of the House on the question for adjournment, which was negatived, as follows :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. A. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Patterson, |
| Mr. Clark, | Mr. Little, | Mr. Pierce, |
| Mr. Davis, | Mr. Mead, | Mr. Tucker, |
| Mr. Eaton, | | |

19

NAYS

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Axford, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. King, | Mr. Smith, |
| Mr. Chapin, | Mr. Mack, | Mr. Speaker, |
| Mr. Chase, | Mr. McKee, | Mr. Stout, |
| Mr. Dort, | Mr. Pond, | Mr. Tackles, |
| Mr. Durocher, | Mr. Saunders, | Mr. Wixom, |
| Mr. Finney, | | |

22

The question being, shall the bill be read a third time and passed, it was agreed to, as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Howland, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Smith, |
| Mr. Chase, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Stout, |
| Mr. Durocher, | Mr. Newton, | Mr. Tackels, |
| Mr. Finney, | Mr. Pond, | Mr. Tucker, |

24

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Davis, | Mr. Little, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Mead, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Brown, | Mr. Jennings, | Mr. Patterson, |
| Mr. Clark, | Mr. Lowry, | Mr. Pierce, |

15

The question being on the final passage of the bill, it was agreed to, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Seeley, |
| Mr. Brown, | Mr. King, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Little, | Mr. Smith, |
| Mr. Chase, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Stout, |
| Mr. Durocher, | Mr. Near, | Mr. Tackels, |
| Mr. Finney, | Mr. Newton, | Mr. Tucker, |

30

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Eaton, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Clark, | Mr. Lowry, | Mr. Wixom, |
| Mr. Davis, | Mr. Mead, | |

11

The question being on the title of the bill, Mr. Wixom moved to amend by substituting the following :

A bill to take from the university fund of \$800,000, and give two-thirds of that sum to shavers and speculators.

The question being on the amendment, was negatived, as follows :

YEAS.

| | | | |
|------------|-------------|------------|---|
| Mr. Lowry, | Mr. Pierce, | Mr. Wixom, | 3 |
|------------|-------------|------------|---|

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, |
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Seeley, |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Smith, |
| Mr. Chase, | Mr. Little, | Mr. Speaker, |
| Mr. Clark, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Mead, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Tucker, |
| Mr. Durocher, | Mr. Near, | |

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The following message was received from the Senate, by their secretary :

SENATE CHAMBER, }
February 23. }

To the Speaker of the House of Representatives :

I am instructed by the Senate to return herewith to the House of Representatives, the joint resolution "relative to the Ypsilanti and Tecumseh railroad company," and respectfully inform you that the same has passed the Senate with an amendment thereto attached, and the concurrence of the House therein is respectfully asked.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the House concurred in the amendment to the said resolution, and the same was ordered to be enrolled.

On motion,

The House adjourned.

MONDAY, FEBRUARY 25.

The House met pursuant to adjournment; the roll being called, Messrs. Bacon, Dort, Grovier, Hammond, Saunders and Shurts, were absent, and Mr. Meacham, on leave.

The journal of Saturday was read and corrected.

LEAVE OF ABSENCE.

Mr. Eaton asked for and obtained leave of absence for Messrs. Dort and Saunders, until to-morrow.

Mr. Fitzgerald, for Mr. Grovier.

Mr. Renwick, for Mr. Hammond, until Thursday.

PETITIONS.

By Mr. Howland. Of inhabitants of the township of Denham, praying that certain acts of said township may be legalized, and also for an alteration of the name of said township; referred to the committee on towns and counties.

By Mr. Livermore. Of citizens of Avon, Oakland county, males and females, praying for a repeal of all existing laws, licensing the traffic in intoxicating drinks, and the passage of others prohibiting the same; referred to a select committee on that subject.

By the same. Remonstrance of 85 citizens of Oakland county, against any alteration in the boundary line between Oakland and Livingston counties; referred to the select committee on that subject.

By Mr. Brown. Of Alanson Beals and others, to authorize Elisha Doan to construct a dam on Big Portage, and for other purposes; referred to the committee on university lands.

Also, of John Darling and others, to authorize Elisha Doan to cut a race across section sixteen, town four south, and range ten west; referred to same committee.

Also, of Stephen Vickery and others, for a state road; referred to committee on roads and bridges.

By Mr. Hooker. Of 13 inhabitants of Monroe county, asking that a law be passed making property at appraisal available in the payment of debts; referred to the committee on the judiciary.

My Mr. Durocher. Of Joseph Morace, administrator upon

the estate of James Clontier, deceased, for conveyance of real estate situate in the county of Monroe; referred to the committee on the judiciary.

By Mr. Goodwin. Of sundry citizens of Calhoun, for the improvement of the St. Joseph and the survey of a canal; referred to the committee on internal improvement.

Also, memorial and account of Peter Morey, Attorney General, for the payment of certain advances made for the State, in the business pertaining to his office; referred to committee on ways and means.

By Mr. Fitzgerald. Of sundry inhabitants of Berrien county, praying to have the east half of town four south, in range eighteen west, attached to the township of Bainbridge, in said county; referred to committee on towns and counties.

Also, of Julius Brown, and 62 other citizens of Berrien county, praying for an act to authorize Eli Ford, R. E. Ward and others, to build a bridge across the St. Joseph river at Berrien, where the present road crosses; referred to the committee on banks and incorporations.

Also, of Edward Ballenger and others, of Berrien county, for permission to build a bridge across the St. Joseph river, near the village of Berrien; referred to the same committee.

Also, of Calvin Britain and 110 others, for an appropriation for the improving the St. Joseph river; referred to the committee on internal improvement.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, reported back to the House the "Bill to provide for the collection of certain taxes in the township of Monguagon, Wayne county," without amendment; referred to the committee of the whole and ordered to be printed.

Mr. Adam, from the committee on education, reported the following entitled bills, which were placed upon the general order:

"A bill authorizing a subscription on behalf of the State, for one hundred additional copies of the Gazetteer of Michigan, and for other purposes."

"A bill to create a fund for the benefit of the branches of the university of Michigan."

Mr. Fitzgerald, from the committee on banks and incorporations, reported back to the House the "Bill to incorporate the Jackson band," without amendment, and the same was placed upon the general order.

The Speaker announced a communication from the President of the board of internal improvement, transmitting a "Report of a survey of the Cedar and Grand river branch of the Clinton and Kalamazoo canal," which, on motion of Mr. McKee, was referred to the committee on internal improvement.

RESOLUTIONS.

On motion of Mr. Wixom,

The "Report and bill to establish a State bank," was referred back to the committee on banks and incorporations.

On motion of Mr. Pond,

Resolved, That the committee on printing be instructed to inquire and report by bill or otherwise, whether any, and if any, what number of the Revised Statutes, now the property of the State, may with propriety be sold, by whom, and on what terms sale should be made.

On motion of Mr. Smith,

Resolved, That the select committee to which was referred so much of the Governor's message as relates to taxes, be instructed to inquire into the expediency of providing by law for the payment of non-resident taxes at the same time (or as soon thereafter as is practicable) that resident taxes are required to be paid.

Mr. Ormsby sent up to the Speaker a paper, purporting to be a protest signed by himself, against the passage of the bill entitled "A bill to grant relief to settlers on university and State lands. The protest was read by request, and the question being on the disposition of the same by the House, Mr. Ormsby opposed the question being taken, urging that the protest must go upon record as a matter of course, and without any vote of the House.

The Speaker decided that the vote of the House was necessary to the disposition of any document sent to the Chair.

Mr. Ormsby then appealed from the decision, and the yeas and nays being called, the appeal was sustained by the following vote :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Smith, |
| Mr. Chase, | Mr. King, | Mr. Tackels, |
| Mr. Clark, | Mr. Levake | Mr. Wixom, |
| Mr. Decker, | | |

19

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Patterson, |
| Mr. Chapin, | Mr. Little, | Mr. Pierce, |
| Mr. Copeland, | Mr. Livermore, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Sheldon, |
| Mr. Finney, | Mr. Mead, | Mr. Stout, |
| Mr. Howland, | Mr. Near, | Mr. Tucker, |

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Mr. Fitzgerald then moved to lay the protest upon the table, which motion was lost, as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Decker, | Mr. King, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Smith, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Speaker, |
| Mr. Chase, | Mr. Goodwin, | Mr. Tackels, |

15

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Jennings, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Patterson, |
| Mr. Brown, | Mr. Levake, | Mr. Pierce, |
| Mr. Chapin, | Mr. Little, | Mr. Renwick, |
| Mr. Clark, | Mr. Livermore, | Mr. Seeley, |
| Mr. Copeland, | Mr. Mack, | Mr. Sheldon, |
| Mr. Davis, | Mr. Mead, | Mr. Stout, |
| Mr. Finney, | Mr. McKee, | Mr. Tucker, |
| Mr. Howland, | Mr. Near, | Mr. Wixom, |
| Mr. Hooker, | Mr. Newton, | |

29

On motion of Mr. Adam, the protest was then ordered to be placed upon the journal.

PROTEST.

The undersigned, believing that the passage of the bill entitled "A bill to grant relief to settlers on university and State lands," is "injurious to the public," does hereby protest against the same, as an act pregnant with mischief, highly prejudicial to the public interest, and destructive of the great object for which the university lands were granted to this State.

The bill provides for the sale, by the state, of certain university lands to individuals residing upon them, for one dollar and twenty-five cents per acre, and ten dollars per each eighty acre lot, to defray the expense of re-locating, for which the bill also provides.

While I am, and during the pendency of this question before the House, have been ready to co-operate with the supporters of this bill, in any measure calculated to secure to the settlers on State lands, all the rights that can pertain to them, either in law or equity, existing or in expectancy, without essentially diminishing the interest of the State, I feel bound by every consideration that can influence me as one of the people's representatives, and by every dictate of justice, patriotism, and common honesty, to protest against a measure which has for its end the abandonment of the public interest for the exclusive benefit of a "set of men," as unnecessary, unwise and unconstitutional.

No necessity can exist for such a prejudicial surrender of public property as is contemplated by this bill, not even in our most sanguine, just regard for the protection of the settlers' interest. For all they claim as their right can be secured to them by a measure which has been rejected by their professed friends, of relinquishing the State claim to those lands by sections, and allowing the settlers to secure their land under the pre-emption law of Congress. Nor can any other reason be urged in favor of the enactment of the law, in preference to the plan above referred to, that would equally secure to the settlers all they claim as matters of right, and at the same time preserve to the State a large amount of the interest which by this law will be surrendered, except it provides a shorter way for the settler to arrive at his title, but at an expense to the State of about sixty-eight thousand dollars, (estimating the land at the minimum university price) besides the difference in the

actual value of the land surrendered and that which would be purchased in lieu of it.

The law of Congress appropriating land "for a university in the State of Michigan," provided that it should be located in no smaller parcels than one section; consequently, wherever a part or fraction of a section was located, the State accounted to the general government for the whole of such section. In the Grand river district the State has located one thousand six hundred and forty acres, besides a fraction of a section, (the quantity unknown,) on eight several sections, and for which stands charged to it by the general government, as university land, five thousand one hundred and twenty acres, making a difference of about three thousand four hundred acres, which the State has accounted for but never possessed. The amount of land, then, of one thousand six hundred and forty acres, actually located, stands the State in as eight sections, or at the rate of about three dollars and seventy-five cents per acre, assuming the general government price of land as the data for calculation. How far this plan of locating parts or fractions of sections as whole sections has been pursued and acted upon in other parts of the State, I have not the evidences to determine, but the presumption is, that it has not been exclusively confined to the Grand river district.

That the act is unconstitutional, I infer from the very tenor of the bill, which provides for granting privileges to a certain "set of men," to the exclusion of all others, clearly and fully bringing the act under the second section of the first article of the Constitution of the State, which declares "No man or set of men are entitled to exclusive or separate privileges." If the State possesses no right to those lands, why legislate upon the subject? If it does possess such right, where is the constitutional power to surrender it without an equivalent, for the exclusive benefit of any "set of men."

Three propositions have been made, either of which would measurably have obviated the constitutional objections that now arise, but all of which have been rejected by the projectors and advocates of the present bill, and the professed friends of the settlers. The proposition to pay the occupants of the land a fair equivalent for their improvements has been so rejected. The

proposition to sell the land at the minimum price of school land, (which is twelve dollars per acre less than university land,) and upon the same liberal terms that school land has been sold to others, has been so rejected. The proposition to relinquish the land by sections and re-locate with the consent of Congress, and thus give the occupants all the privileges that could result to them by the pre-emption law of Congress of 1838, has been so rejected. Thus was the House driven to the necessity of supporting or rejecting what, to my understanding, is the most unwise and exceptionable of all the measures that have been proposed for the relief of the settlers on State lands.

I know of no good existing reason that recommends the adoption of the bill, as passed, in preference to any of the measures proposed, and how far the fact that the persons interested in this question hold the balance of political power in this State, as has been avowed upon this floor, should be regarded as a good and sufficient reason why the guardians and protectors of the public interest should surrender that interest for the benefit of the persons so interested, must be left to the discretion and conscience of each individual; with me, it is not sufficient.

Without adverting to any matters of legal or equitable right that may pertain to the settler or to the State, and without advert-ing to the immense loss that must be sustained by the State, by the surrender of the university lands, upon the most advantageous terms to the State that have been proposed, I do, for the reasons above set forth, protest against the sale of State lands for ten shillings per acre, that the State has accounted for under the appropriation law of Congress, at three dollars and seventy-five cents per acre, and that would probably average in value as high as thirty dollars per acre, exclusive of improvements, as a lavish, uncalled for, prejudicial and unconstitutional waste of public property.

Signed in the Hall of Representatives, in Detroit, this 25th day of February, 1839.

C. N. ORMSBY.

Mr. Tucker then offered a resolution "that the last vote of this House taken on the protest offered by Mr. Ormsby is unconstitutional and of no effect."

Mr. Adam moved to lay the same upon the table, and the yeas and nays being called, the motion was lost, as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, |
| Mr. A. Allen, | Mr. Finney, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Smith, |
| Mr. Chase, | Mr. Gibbs, | Mr. Speaker, |
| Mr. Clark, | Mr. Goodwin, | Mr. Tackels, |
| Mr. Decker, | Mr. King, | Mr. Wixom, |
| Mr. Durocher, | Mr. Levake, | |

20

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Lowry, | Mr. Ormsby, |
| Mr. Brown, | Mr. Little, | Mr. Patterson, |
| Mr. Chapin, | Mr. Livermore, | Mr. Pierce, |
| Mr. Copeland, | Mr. Mack, | Mr. Renwick, |
| Mr. Davis, | Mr. McKee, | Mr. Sheldon, |
| Mr. Howland, | Mr. Near, | Mr. Stout, |
| Mr. Hooker, | Mr. Newton, | Mr. Tucker, |
| Mr. Jennings, | | |

22

Mr. Adam then moved to refer the resolution to the committee of the whole, and make it the special order of the day for Thursday next: lost, as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Smith, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Speaker, |
| Mr. Chase, | Mr. King, | Mr. Tackels, |
| Mr. Clark, | Mr. Levake, | Mr. Wixom, |
| Mr. Eaton, | | |

16

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Axford, | Mr. Jennings, | Mr. Patterson, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Chapin, | Mr. Little, | Mr. Renwick, |
| Mr. Copeland, | Mr. Livermore, | Mr. Seeley, |
| Mr. Davis, | Mr. Mack, | Mr. Sheldon, |

| | | | |
|---------------|------------|-------------|----|
| Mr. Decker, | Mr. McKee, | Mr. Stout, | |
| Mr. Durocher, | Mr. Near, | Mr. Tucker, | |
| Mr. Goodwin, | | | 28 |

Mr. Chapin then offered the following amendment to the resolution :

Resolved, That in the opinion of the members of this House, it is the constitutional right and privilege of every member thereof to enter any protest against any act or resolution that may pass this body, without discussion or action of any kind on the part of the House.

Which was accepted by Mr. Tucker, and a motion then being made to lay the same on the table, was lost, as follows :

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. Chase, | Mr. Gibbs, | Mr. Smith, | |
| Mr. Clark, | Mr. Goodwin, | Mr. Speaker, | |
| Mr. Decker, | Mr. Levake, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, | 21 |

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Brown, | Mr. Little, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Livermore, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Near, | Mr. Stout, | |
| Mr. Davis, | Mr. Newton, | Mr. Tucker, | |
| Mr. Howland, | | | 22 |

Amendments being then offered and under consideration, by the Speaker, Mr. Mack and Mr. Renwick, on motion of Mr. Acker, the resolution and amendments were laid on the table.

Mr. Adam then offered a paper, purporting to be a protest on the part of himself and others, which was read, and a motion being made to order the same to be entered on the journals, Mr. Acker moved an adjournment, which motion was lost, as follows :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Chapin, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Tucker, |
| Mr. Howland, | Mr. Near, | |

20

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, |
| Mr. A. Allen, | Mr. Finney, | Mr. Seeley, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Smith, |
| Mr. Brown, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Chase, | Mr. McKee, | Mr. Tackels, |
| Mr. Clark, | Mr. Patterson, | Mr. Wixom, |
| Mr. Decker, | | |

22

The question on ordering the said protest on the journals, being again called for, and discussions had thereon, the same was laid upon the table.

On motion,

The House adjourned.

TUESDAY, FEBRUARY 26.

The House met pursuant to adjournment, and on calling the roll, Messrs. King, Levake and Shurts were absent, and Messrs. Hammond and Meacham on leave.

Prayer by the Rev. Mr. Bury.

PETITIONS.

By Mr. Grovier. Claim of T. M. Perry for printing ; referred to the committee on claims.

By Mr. Fitzgerald. Of Luke A. White and fifty two other citizens of Ottawa county, praying that disinterested commissioners may be appointed to locate the seat of justice for said county ; referred to a select committee, consisting of Messrs. Fitzgerald, Finney and Stout.

Also of sundry citizens of Berrien county, for an act to authorize Ely Ford, R. E. Ward and others, to build a bridge across the St. Joseph river where the Niles and St. Joseph road crosses ; referred to the committee on banks and incorporations.

Also of John M. Barbour and others, citizens of Berrien county, for the same ; referred to the same committee.

Also of eighty citizens of said county, for the same ; same reference.

REPORTS.

By Mr. Ormsby. From the committee on towns and counties, a bill establishing the counties of Tuscola and Iosco, and defining the boundaries of the county of Sanilac, with a map of the same ; referred to the committee of the whole and ordered to be printed.

Also a bill to organize the county of Clinton ; the same reference.

Also a bill to incorporate the Portage turnpike and bridge company, in pursuance of leave ; referred to the committee on banks and incorporations.

By Mr. Near. A bill authorizing Abraham Clark and others, to build a dam across Red Cedar river, pursuant to leave ; referred to committee on internal improvement.

By Mr. Lowry. A bill to provide for the assessment and payment of damages caused by the location and construction of rail-

roads and canals in certain cases, pursuant to leave ; referred to committee on internal improvements.

By Mr. Chapin. From the committee to whom the subject was referred ; a bill to authorize the loan of money to the White Pigeon beet sugar company, which was referred to the committee of the whole and ordered to be printed ; also an accompanying report, which was laid on the table, and five hundred copies ordered to be printed.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
February 25th, 1839. }

To the House of Representatives :

In accordance with a resolution of the House of Representatives, passed Feb. 23, 1839, I herewith transmit copies of all the papers in the case of Howland Hastings.

S. T. MASON.

The said documents were laid upon the table and ordered to be printed.

RESOLUTIONS.

Mr. Fitzgerald laid the following resolution upon the table :

Resolved, (if the Senate concur herein,) That a joint committee to consist of two members from the Senate and three from the House of Representatives, be appointed to inquire into the nature, extent and causes of the present alleged suspension of specie payment by the Michigan State bank, and into the solvency and standing of that institution, and the safety of the State deposits therein, with instructions to report thereon as soon as may be.

Mr. Acker gave notice, that at some future day he would ask leave to bring in a bill to incorporate the Grass Lake academy and teachers' seminary, in Jackson county.

Mr. Stout gave notice, that he would ask leave at some future day to bring in a bill for the establishment of a State road from Charlotte in Eaton to Hastings in Barry.

Mr. Adam called up for consideration the motion under consideration yesterday when the house adjourned, to order the protest offered by himself and others to be entered on the journal,

and the question being taken by yeas and nays, the vote stood as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Smith, |
| Mr. Chase, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Clark, | Mr. Grovier, | Mr. Tackles, |
| Mr. Davis, | Mr. Mack, | Mr. Wixom, |
| Mr. Decker, | | |

22

NAYS.

Mr. Durocher,

1

Twenty four members being excused from voting.

PROTEST.

HOUSE OF REPRESENTATIVES, }
Detroit, Feb. 25th, 1839. }

The undersigned, members of the House of Representatives, beg leave to protest against a vote of the House, taken this day, sustaining an appeal from the decision of the Chair, that it required a vote or order of the House, to order a protest, or paper claiming to be a protest, to be entered on the journal of the House, as injurious to the public, for the following, among other reasons ;

1st. Because by said appeal being sustained, it would be in the power of any member to send a paper to the Chair, or to read a paper in his place, and by claiming the same to be a protest against some act or resolution of the House, and setting forth the reasons for such dissent or protest, might have any matter entered on the journal of the House, without the sanction or decision of the House thereon, thus evidently depriving the House of the control over their own journal, secured by the Constitution and by universal Parliamentary precedent.

2nd. Because the Constitution only secures to a member the privilege of entering his dissent or protest, and his reasons therefor, but before the same shall be entered on the journal, it ought by the Constitution and by parliamentary usage and precedent, be left to the House, who are the keepers of their own journal, to

determine whether the paper so read or presented be a protest within the meaning or purview of the Constitution.

| | |
|-----------------|--------------------|
| K. S. Bingham, | John L. Adam, |
| J. Goodwin, | George C. Gibbs, |
| Robt. G. McKee, | Thomas Fitzgerald, |
| D. Smith, | Jared Pond, |
| Artemas Allen, | Isaac Wixom, |
| E. C. Eaton, | H. A. Levake, |
| J. Clark, | Samuel Axford, |
| Alexr. Tackels, | Louis Beaufait, |

On motion of Mr. Sheldon, the bill to repeal "the act appointing a State Printer," was resumed in committee of the whole, Mr. Copeland in the chair; and after some time spent thereon, the committee rose and reported the same back to the House without amendment.

The House having the same under consideration, moved that the bill be committed to the committee on printing, with instructions to amend the first section as to elect a State Printer once in two years. The yeas and nays being called for, the motion was lost by the following vote:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. McKee, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Decker, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Finney, | Mr. Grovier, | Mr. Speaker, | 12 |

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Durocher, | Mr. Ormsby, |
| Mr. Adam, | Mr. Eaton, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Axford, | Mr. Hooker, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Seeley, |
| Mr. Brown, | Mr. Little, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Stout, |
| Mr. Clark, | Mr. Mack, | Mr. Tackels, |
| Mr. Copeland, | Mr. Mead, | Mr. Tucker, |
| Mr. Davis, | Mr. Near, | Mr. Wixom, |
| Mr. Dort, | Mr. Newton, | |

Mr. Sheldon then proposed to amend the bill so as to read "this act to take effect on the seventh of March, 1839."

Mr. Adam moved to amend the amendment and the bill by striking out the enacting clause, and inserting,

"That and , be, and they are hereby appointed commissioners to visit and examine such points in the interior, and near the centre of the State, as they might deem eligible for the seat of government for the State until 1847, and receive proposals from citizens interested at such points, for providing accommodations in whole or in part for the Legislature, until the year aforesaid, and report thereon to the next Legislature."

Mr. Durocher moved to lay the bill with the amendments on the table, which motion was lost, as follows:

YEAS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. A. Allen, | Mr. Mack, | Mr. Speaker, | |
| Mr. Clark, | Mr. Ormsby, | Mr. Tackels, | |
| Mr. Decker, | Mr. Patterson, | Mr. Wixom, | |
| Mr. Durocher, | Mr. Pond, | | 11 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Acker, | Mr. Finney, | Mr. Mead, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Near, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Newton, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Renwick, | |
| Mr. Brown, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Chase, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, | |
| Mr. Davis, | Mr. Little, | Mr. Stout, | |
| Mr. Dort, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Eaton, | | | 37 |

Mr. Pond moved the reference of the bill and amendments to the committee on printing, to report what amendments if any are necessary, and his motion prevailed, and the same was so referred.

On motion of Mr. Howland,

The "Bill to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer," was taken up, read a third time and passed.

On motion of Mr. Ormsby,

The House resumed the consideration of the, "Bill to organize and divide certain townships," and after several amendments made thereto, the same was ordered to be engrossed for a third reading.

On motion of Mr. Adam,

The "Bill requiring certain returns to be made from incorporated academies and other literary institutions," was taken up in committee of the whole, Mr. Dort in the chair, and after some time spent thereon, the committee rose and reported the same back to the House without amendment, and the House having the same under consideration, the rule was suspended and the bill read a third time, and passed by a vote of two thirds.

On motion of Mr. Livermore,

The consideration of the "Bill to amend the revised law, in relation to taverns and other licensed houses," was resumed by the House, amendments made thereto, and the same ordered to be engrossed for a third reading.

On motion of Mr. Adam,

The consideration of the "Bill to amend the chapter of the Revised Statutes, entitled 'of primary schools,'" was resumed in committee of the whole, Mr. Tucker in the chair, and after some time the committee rose and reported progress, and the House having the same under consideration, the bill was recommitted to the committee on education.

On motion of Mr. Mead,

The House adjourned.

WEDNESDAY, FEBRUARY 27.

The House met pursuant to adjournment; and on calling the roll, Messrs. Hammond, Meacham and Shurts, were absent on leave.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read, when Mr. Tucker objected to that part of it which reads "twenty-four members being excused from voting," stating that himself and others had not asked to be excused, but declined on constitutional grounds.

Mr. Adam then moved to correct the journal to read as follows, and the same was adopted :

Instead of "twenty-four members being excused from voting," read "the members who did not vote, being excused from voting."

PETITIONS.

By Mr. Decker. Of John K. Axford and 45 inhabitants of the township of Orion, county of Oakland, praying for the repeal of so much of the law for the support of primary schools as imposes upon each school district to raise the sum of ninety dollars; referred to committee on education.

By Mr. Finney. Of sundry citizens of Ottawa county, praying that commissioners may be appointed to locate a county site; referred to select committee on that subject.

By Mr. Seeley. Of sundry citizens of Hillsdale and Lenawee, praying for the repeal of the law licensing the sale of intoxicating drink, and to enact other laws regulating the sale thereof; referred to select committee on that subject.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was re-committed the "Bill to establish a State bank," reported the same with an amendment, and on motion of Mr. Little, it was referred to committee of the whole, and made the order of the day.

Mr. Copeland, from the committee on the State prison, to whom was referred the "bill to provide for the government and discipline of the State prison," reported the same back to the House without amendment; and the same was placed on the general order.

Mr. Adam reported a "Bill relative to canvassing elections in certain counties," which was placed upon the general order, but not to be printed.

Mr. McKee, pursuant to notice, introduced a "Bill to organize certain townships, and for other purposes," which was placed upon the general order.

The Speaker also announced the following communication from the Michigan State bank :

[See Documents, No. 29.]

Which said communication was laid upon the table.

The Speaker also announced the following messages from the Executive, by his private secretary, S. Humes Porter, Esq.:

EXECUTIVE DEPARTMENT, }
February 27.

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State,

"An act relative to the records of the court of probate for the county of Cass."

"A joint resolution relative to the payment of witnesses who attended on the committee of investigation of the northern and southern railroads."

S. T. MASON.

EXECUTIVE DEPARTMENT, }
February 27.

To the House of Representatives :

I enclose herewith, a communication, with other papers, from C. A. Emerson, cashier of the Bank of Macomb county, which I am requested to lay before the Legislature.

S. T. MASON.

[See Documents, No. 30.]

And the said communication was referred to the committee on banks and incorporations, and ordered to be printed.

The following report and resolution was laid upon the table by Mr. Finney, the chairman of the committee on internal improvement :

The committee on internal improvement have had under con-

consideration a communication from the board of internal improvement, relating to a survey ordered by the board, to be made under the direction of Gen. Humphrey, upon the line of the southern railroad, and have instructed me, as their chairman, to report the following resolution:

Resolved, by the Senate and House of Representatives, That the Auditor General be, and is hereby, instructed to charge the account now audited for the survey of a railroad route from Centreville, via Lockport, Geneva and Cassopolis, to Niles, to the appropriations already made for the construction of the southern railroad.

Mr. Acker, pursuant to notice, introduced a "Bill to incorporate the Grass lake academy and teachers' seminary," which was referred to the committee on education.

Mr. Mack, from the committee on ways and means, reported back the claim of George R. Griswold, for printing; and, on his motion, the same was referred to the committee on claims.

RESOLUTIONS.

On motion of Mr. A. Allen,

Resolved, That the committee on towns and counties be instructed to inquire into the expediency of setting off and organizing a county and one or more townships, in that portion of the State lying north of the Montreal and Menominee rivers, and west of the northern extremity of Lake Michigan, and report thereon by bill or otherwise.

On motion of Mr. Adam,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of providing, by law, for the appointment of one or more commissioners to superintend the republication, in a condensed form, of all the statutes or laws now in force in this State, and not repealed by, or embraced or consolidated in, the Revised Statutes.

On motion of Mr. Finney,

The communications from the Executive, relating to Howland Hastings, were referred to a select committee, consisting of Messrs. Finney, Ormsby and Eaton.

Mr. Brown gave notice that he should ask leave at some future day, to bring in a bill to repeal "An act to organize and regulate

banking associations ;" approved March 13, 1837, and all amendments thereto.

On motion of Mr. Fitzgerald,

The House then resolved itself into committee of the whole, on the " Bill to establish a State bank," Mr. Smith in the chair.

After some time spent thereon, the Speaker rose and announced a message from the Senate, and the committee rose, reported progress and asked for and obtained leave to sit again.

The Speaker then announced the following message from the Senate, by their secretary, Mr. At Lee.

SENATE CHAMBER, }
February 27. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to transmit herewith a " Bill to authorize the removal of certain convicts to the State prison," and respectfully inform you that the same has passed the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAM'L YORKE AT LEE,

Secretary of Senate.

And the said bill was read a first and second time, the rule suspended, and ordered to a third reading, when Mr. McKee moved to strike out the third section, which was in the words following :

"Sec. 3. That the acting Commissioner pay to the said sheriff a reasonable compensation for the expense of transportation of such convicts."

The yeas and nays being called thereon, the vote stood as follows :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Decker, | Mr. Livermore, |
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, |
| Mr. Brown, | Mr. Howland, | Mr. Pierce, |
| Mr. Chase, | Mr. Hooker, | Mr. Renwick, |
| Mr. Clark, | Mr. Jennings, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Little, | |

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Bacon, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Levake, | Mr. Stout, |
| Mr. Chapin, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. Near, | Mr. Tucker, |
| Mr. Durocher, | Mr. Patterson, | Mr. Wixom, |
| Mr. Eaton, | Mr. Pond, | |

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The Speaker declining to give the casting vote, the yeas and nays were again called upon the same question, and the motion to strike out prevailed, as follows :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Decker, | Mr. McKee, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Pierce, |
| Mr. Axford, | Mr. Grovier, | Mr. Renwick, |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, |
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Livermore, | Mr. Tackels, |

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NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Eaton, | Mr. Patterson, |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Near, | Mr. Wixom, |

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Other amendments were made to the bill, and it was read a third time and passed.

Mr. Finney, from the committee on internal improvement, made a report upon the resolution relative to the Sault Ste. Marie canal; which, together with a resolution relative to that subject, was laid upon the table.

On motion of Mr. Chapin,

The House adjourned.

THURSDAY, FEBRUARY 28.

The House met pursuant to adjournment, and the roll being called, Mr. King was absent, and Mr. Hammond on leave.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Wixom. Ten remonstrances, signed by 262 inhabitants of the county of Oakland, against detaching therefrom the towns of Rose, Highland, Milford and Lyon, and attaching them to the county of Livingston.

Also of 132 citizens of said towns to the same effect.

Also remonstrances of other citizens of said towns to the same effect.

Also of 163 other citizens of Oakland to the same effect.

Also a certified copy of the remonstrance of the board of supervisors of the county of Oakland for 1838, against the dismemberment of said county.

All of which were referred to the committee on that subject.

By Mr. Shurts. Of sundry citizens of St. Joseph, praying for an appropriation for improving the navigation of the St. Joseph river, and also to construct a canal in continuation with said river to Homer, in Calhoun county; referred to committee on internal improvement.

By Mr. Acker. Of certain inhabitants of Eaton county, in relation to a State road; referred to the committee on internal improvement.

By Mr. Dort. Of Duncan Campbell, for remuneration for damages done by the water from the central rail road overflowing his improved land; referred to committee on claims.

REPORTS.

Mr. Adam, from the committee on education, reported "A bill to incorporate the East Sylvan academy," which was placed upon the general order.

Also reported back the "Bill to amend the chapters of the Revised Statutes, entitled of primary schools," with amendments, which was placed upon the general order.

Also reported back the "Bill to incorporate the Grass Lake academy and teachers' seminary," with amendments, which was placed upon the general order.

Mr. Finney, from the committee on internal improvement, reported a "Bill concerning certain duties and powers of the commissioners of internal improvements, and for other purposes," which was placed upon the general order.

Mr. Fitzgerald, from the committee to whom was referred sundry petitions of citizens of Berrien county, praying for an act to authorize R. E. Ward and others, and Edward Ballenger and others, to build certain bridges across the St. Joseph river, reported a "Bill relative to the erection of bridges in certain cases." Placed upon the general order.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, February 28, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return herewith to the House of Representatives,

"A bill to ascertain the value of a certain school section in the county of Branch."

Also "a bill relative to school books, and books for school district libraries."

Also "a bill to extend the time of payment of the university and school moneys, and for other purposes," and respectfully inform you that the said bills have severally been concurred in by the Senate.

I am also instructed to transmit herewith the following bills, viz:

"A bill to legalize the elections of school inspectors elected for the year 1837."

Also "a bill to incorporate the Grand river Theological seminary."

Also "a bill to abolish imprisonment for debt and to punish fraudulent debtors."

All which bills have severally passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bills "to ascertain the value of a certain school section in the county of Branch;" "relative to school books, and books for school district libraries," and "to extend the time of payment of the university and school moneys, and for other purposes," were severally ordered to be enrolled.

The "Bill to legalize the elections of school inspectors elected for the year 1837," and the "Bill to abolish imprisonment for debt and to punish fraudulent debtors," were severally read a first and second time, and referred to the committee on the judiciary.

The "Bill to incorporate the Grand river Theological seminary," was read a first and second time, and referred to the committee on education.

Mr. Finney, from the committee on internal improvement, reported "An act to incorporate the Genesee and Saginaw navigation company." Placed upon the general order.

Mr. Acker, from the committee of investigation, to whom was committed the examination and inquiry into the condition of the funds of this State, &c. made a report, signed by himself and Messrs. Howland and Davis, which was laid upon the table.

Mr. Shurts gave notice that on Friday next he should ask leave to bring in a bill to repeal section 8, part 1, title 8, chapter 2, of the Revised Statutes.

Also a bill for the suppression of all bank notes under the denomination of five dollars, and for other purposes.

Mr. Shurts laid upon the table the following preamble and resolution

Whereas, experience has proved the fallacy of a theory which states that a paper currency is perfectly safe so long as it is convertible into gold and silver, and has demonstrated also the fallacy of another theory, viz: That a five dollar note and an American half eagle can circulate together:

Whereas, it appears that a number of the banks have practised frauds and oppression to an alarming extent, which have caused great excitement among the people of this and neighboring states,

and more particularly among the industrious and laboring class, and such as have received money from the public for public services, which soon after became of but little or no value :

And whereas, it is incumbent upon the Legislature in future to guard against frauds of all kinds, and to correct as much as possible all corruption which may exist in our public institutions, and protect the laborer of the country from the imposition and oppression of small bank notes, or shin plasters under five dollars ; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That in the opinion of this Legislature, the paper circulating medium under the denomination of five dollar notes, has been a great cause of driving gold and silver out of circulation and opening a door for speculation, fraud and corruption, from which the good citizens of the State have most severely suffered.

Resolved, That the Treasurer of this State shall be, and he is hereby, directed and instructed, not to receive any bank note under the denomination of five dollars, from and after the first day of August next ensuing.

The following entitled bills, were read a third time and passed :

“A bill to organize and divide certain townships.”

“A bill to amend the revised law in relation to taverns and other licensed houses.”

On motion of Mr. Fitzgerald,

The order of the day being the “Bill to establish a State bank,” was resumed in committee of the whole, Mr. Smith in the chair, and after some time spent thereon, the committee rose, reported progress, asked for and obtained leave to sit again.

The Speaker then announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, February 28, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return herewith the “Bill to authorize the removal of certain convicts to the State prison,” and respectfully inform you that the Senate have concurred in the

amendment passed by the House relative to the word Jacksonburg, but do insist on retaining the third and fourth sections of said bill.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the said bill being under consideration, the House receded from its amendment, striking out the third section thereof by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Near, |
| Mr. Adam, | Mr. Eaton, | Mr. Newton, |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Levake, | Mr. Tackels, |
| Mr. Clark, | Mr. Little, | Mr. Tucker, |
| Mr. Copeland, | Mr. Mack, | Mr. Wixom, |
| Mr. Decker, | Mr. McKee, | |

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NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Davis, | Mr. Lowry, | Mr. Smith, |
| Mr. Goodwin, | Mr. Livermore, | Mr. Speaker, |
| Mr. Howland, | Mr. Meacham, | Mr. Stout, |

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And on motion of Mr. Goodwin, the third section was amended. And the question being on the fourth section, the House insisted upon their amendment striking out the same.

Mr. Mack asked for and obtained leave to introduce a memorial of citizens of St Clair county, praying for a State road.

On motion of Mr. Seeley,

The House adjourned.

FRIDAY, MARCH 1.

The House met pursuant to adjournment, and on calling the roll, Messrs. King, Levake and Hammond, were absent.

Prayer by the Rev. Mr. Bury.

Mr. Renwick asked and obtained leave of absence for Mr. Hammond until Monday next.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Mead. Of Stephen Griffin and Philo W. Allen, for permission to convey real estate of E. Allen, deceased ; referred to the committee on the judiciary.

By Mr. Finney. Of citizens of Ottawa county, for commissioners to be appointed to locate a county site in said county ; referred to select committee on that subject.

By Mr. Howland. Of 24 citizens of Lapeer county, against setting off a portion of the county of Sanilac and attaching the same to the county of Saginaw, for judicial purposes, and the dismemberment of the county of Sanilac ; referred to the committee on towns and counties.

By Mr. Grovier. Of 50 citizens of the towns of Sterling and Alba, for the removal of a mill-dam ; referred to the committee on the judiciary.

By Mr. Wixom. Five several petitions of citizens of Oakland county, against altering the boundary line between Oakland and Livingston counties ; referred to the select committee on that subject.

By Mr. Clark. Of citizens of Oakland county, against changing the boundaries of said county ; referred to the same select committee.

By Mr. Smith. Claim of A. & B. Brown for printing ; referred to the committee on claims.

Also, the petition of Joseph W. Brown and others, citizens of Tecumseh, for a law ceding to the Tecumseh branch of the university certain county property ; referred to the committee on the judiciary.

By Mr. Pierce. Claim of A. P. Crossman, brigade inspector of Michigan militia ; referred to the committee on claims.

By Mr. Tucker. Of 44 citizens of St. Clair county, for a State road from the village of New Port, on the river St. Clair, to the Fort Gratiot turnpike; referred to the committee on roads and bridges.

By Mr. Gibbs. Of 194 citizens of Marshall, praying for an act to incorporate the "Board of trustees of Michigan college;" referred to the committee on education.

Also, of the board of trustees of Michigan college, praying for an act of incorporation; referred to the same committee.

By Mr. McKee. For changing the name of the township of Waundaugon; referred to the committee on towns and counties.

The Speaker announced a communication from the Auditor General, accompanied by a claim for certain services; referred to the committee on claims.

REPORTS.

Mr. Finney, from the committee on internal improvement, to whom were referred the petitions of sundry citizens of Wayne and Oakland, for the incorporation of a company to build a canal from Detroit to Ore creek, reported adverse to the request of said petitioners, and, on motion, were discharged from the consideration of that subject.

Mr. Ormsby, from the committee on towns and counties, who had under consideration "the petition of certain citizens for the division of the township of Macomb, in the county of Macomb, and also the petitions of inhabitants of Ingham county, for vacating county seat and appointment of commissioners to re-locate the same," asked to be discharged from the further consideration of said petitions, for the reason that no evidence is before the committee that the legal notices have been given.

On motion, the committee were so discharged.

Also, reported a bill to organize certain townships and for other purposes, which was referred to the committee of the whole, and ordered to be printed.

Mr. Smith, pursuant to leave, introduced a bill to authorize the county commissioners of the county of Lenawee, to loan a certain sum of money; referred to the committee of the whole, and ordered to be printed.

Mr. Mack, from the committee of ways and means, who had

under consideration the petition of Martin Kundig and Daniel Thompson, made a report thereon, and asked leave for the petitioners to withdraw their respective petitions, which was granted, and the committee were discharged from the further consideration of said petitions.

Mr. Shurts, pursuant to leave, introduced a bill to prevent the issue of notes of a less denomination than five dollars, which was referred to a select committee, consisting of Messrs. Shurts, Little, Adam, Meacham and Sheldon.

Also, a bill to amend chapter second, of title eight, of part first, of the Revised Statutes, which was referred to the committee on the judiciary.

RESOLUTIONS.

Mr. Chapin submitted the following resolution, which was laid upon the table :

Resolved, That the bill to establish a State bank be made the special order of an afternoon session of each day, to commence at two o'clock, until the same shall be finally disposed of.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER, }
March 1. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to inform the House of Representatives that Messrs. Summers, Greenly and Gidley have been appointed a committee of conference, on the part of the Senate, in relation to the existing disagreement on the " Bill to authorize the removal of certain convicts to the State prison."

SAMUEL YORKE AT LEE,

Secretary of the Senate.

On motion of Mr. McKee,

A committee of three were appointed on the part of the House, to confer with the committee appointed by the Senate, relative to the disagreement of the two Houses on the " Bill to authorize the removal of certain convicts to the State prison."

The Speaker announced as said committee, Messrs. McKee, Goodwin and Acker.

RESOLUTIONS.

Mr. Little offered the following resolution :

Resolved, That a committee of five be appointed by the House of Representatives, to ascertain what action is necessary to provide for the payment of the contractors on the public works, and for the incidental expenses of the State government, and that the said committee be invested with power to receive proposals from any banks or individuals for the necessary supply of means for these objects, and that said committee be required to report forthwith to this House the result of their negotiations.

Mr. Tucker moved to lay the same on the table, and Mr. Adam, calling for the yeas and nays, the motion prevailed, as follows:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Copeland, | Mr. Near, |
| Mr. L. Allen, | Mr. Davis, | Mr. Newton, |
| Mr. Axford, | Mr. Decker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Durocher, | Mr. Pond, |
| Mr. Beaufait, | Mr. Howland, | Mr. Renwick, |
| Mr. Brown, | Mr. Jennings, | Mr. Smith, |
| Mr. Chapin, | Mr. Lowry, | Mr. Tackels, |
| Mr. Chase, | Mr. Meacham, | Mr. Tucker, |
| Mr. Clark, | Mr. Mead, | |

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NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Levake, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Little, | Mr. Seeley, |
| Mr. Doit, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Finney, | Mr. Mack, | Mr. Shurts, |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Speaker, |
| Mr. Gibbs, | Mr. Ormsby, | Mr. Stout, |
| Mr. Goodwin, | Mr. Patterson, | Mr. Wixom, |
| Mr. Hooker, | | |

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On motion of Mr. Tucker,

The resolution was then re-considered, and the following resolution, offered by Mr. Ormsby, adopted as a substitute :

Resolved, That a committee of five be appointed to inquire if any legislative action is necessary to enable the State to comply

with its agreements with contractors on the public works, and if so, to report as soon as practicable, what legislative action is necessary.

And the Speaker announced Messrs. Little, Mack, Gibbs, Finney and Bacon, as such committee.

On motion, the report of Mr. Acker, from the committee of investigation, to whom was committed the examination and inquiry into the condition of the funds of this State, &c., was ordered to be printed, by the following vote :

YEAS.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Adam, | Mr. Goodwin, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Bacon, | Mr. Howland, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chapin, | Mr. Jennings, | Mr. Saunders, |
| Mr. Chase, | Mr. Lowry, | Mr. Seeley, |
| Mr. Clark, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Mack, | Mr. Shurts, |
| Mr. Davis, | Mr. Meacham, | Mr. Smith, |
| Mr. Decker, | Mr. Mead, | Mr. Speaker, |
| Mr. Durocher, | Mr. McKee, | Mr. Stout, |
| Mr. Finney, | Mr. Near, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Newton, | Mr. Wixom, |

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NAYS.

| | | |
|-------------|--------------|---|
| Mr. Levake, | Mr. Tackels, | 2 |
|-------------|--------------|---|

On motion, 500 additional copies were ordered, as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Newton, |
| Mr. Adam, | Mr. Grovier, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Howland, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, |
| Mr. Axford, | Mr. Jennings, | Mr. Pond, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Livermore, | Mr. Saunders, |
| Mr. Chapin, | Mr. Mack, | Mr. Shurts, |
| Mr. Chasc, | Mr. Meacham, | Mr. Smith, |

Mr. Copeland,
Mr. Davis,
Mr. Finney,

Mr. Mead,
Mr. McKee,
Mr. Near,

Mr. Stout,
Mr. Wixom,

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NAYS.

Mr. Brown,
Mr. Clark,
Mr. Decker,
Mr. Dort,

Mr. Fitzgerald,
Mr. Gibbs,
Mr. Levake,
Mr. Seeley,

Mr. Sheldon,
Mr. Speaker,
Mr. Tackels,
Mr. Tucker,

12

Mr. Gibbs gave notice that on some future day he should ask leave to introduce a bill incorporating the Michigan college.

On motion of Mr. Fitzgerald,

The order of the day, being the "Bill to establish a State bank," was resumed in committee of the whole, Mr. Smith in the chair, and after some time spent thereon, the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Brown,

Resolved, That the committee on the judiciary be instructed to inquire what changes, (if any,) are necessary to be made in the time of holding courts in the several counties of the State.

Also, whether there should be any increase or diminution of the terms in any of the counties.

Also, what changes (if any,) are necessary to be made in the sittings of the court of chancery.

Also, the propriety of making the circuit judges vice chancellors. to do and perform certain duties in the several circuits.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
March 1, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit herewith the "Bill to authorize the removal of certain convicts to the State prison," and respectfully inform the House of Representatives that the amendment proposed thereto by the committee of conference, has been concurred in by the Senate.

SAM'L YORKE AT LEE,

Secretary of Senate.

And the said bill was ordered to be enrolled.

On motion of Mr. Wixom,

The House adjourned.

SATURDAY, MARCH 2.

The House met pursuant to adjournment, and on calling the roll, there were absent Messrs. Brown, Chase, King, Levake, Mead and Sheldon.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read and corrected.

LEAVE OF ABSENCE.

Mr. Dort asked and obtained leave of absence for Mr. Sheldon, until Monday next.

Mr. Livermore for Mr. Chase, the same.

Mr. Saunders for Mr. Eaton, the same.

Mr. L. Allen for Mr. Mead, the same.

PETITIONS.

The Speaker announced a communication from Aaron H. Palmer, on the subject of foreign agency, which was ordered to be filed in the library.

By Mr. Clark. Two several remonstrances of citizens of Oakland county, against an alteration of the boundary line of said county; referred to select committee on that subject.

By Mr. Finney. Of Philo Beers and others, praying for the organization of township 9 north, 10 west; referred to a select committee on towns and counties.

Also, the memorial of Robert Hilton, Esq. for a release of a quarter section of land, selected by the State agent, for salt spring land; referred to a select committee on that subject.

By Mr. Tucker. Of 44 citizens of the township of Cottrelville, for an alteration of the boundary line of said township.

By Mr. Hammond. Of sundry citizens of Barry county, for the appointment of additional commissioners to lay the State road from Howell to the mouth of the Kalamazoo river; referred to the committee on roads and bridges.

Also, of citizens of Kalamazoo, to amend the act approved Ja-

nuary 29, 1838, so as to read "from the village of Kalamazoo, in Kalamazoo county," instead of "from the town of Kalamazoo;" referred to the committee on roads and bridges.

Also, of inhabitants of Barry county, relative to the division of towns; referred to the committee on towns and counties.

REPORTS.

Mr. Little, from the committee to whom was referred the resolution of yesterday calling for an inquiry whether any legislative action was necessary to enable the State to comply with its agreements with contractors on public works, made a report, which was referred to committee on ways and means.

Pursuant to leave, Mr. Gibbs reported a bill to incorporate the Michigan college; referred to the committee on education.

Mr. Clark, from the committee appointed to investigate the affairs and standing of "Michigan State bank," and report whether the funds of the State were safe in said institution, presented the report of the minority of said committee, which was laid upon the table and 500 copies ordered to be printed.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER, }
March 2.

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives, the "Bill to amend an act entitled an act to incorporate the city of Monroe," approved March 27th, 1837, and respectfully inform you that the same has been concurred in by the Senate.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the same was ordered to be enrolled.

Also, the following:

SENATE CHAMBER, }
March 2.

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives, the "Bill requiring certain returns to be made

from incorporated academies and other literary institutions," and respectfully inform you the same has passed the Senate.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the same was ordered to be enrolled.

Also, the following communication from the Executive, by his secretary, S. Humes Porter, Esq :

EXECUTIVE DEPARTMENT, }
March 2, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act entitled an act to incorporate the city of Monroe," approved March 27, 1837.

S. T. MASON.

Also, the following :

EXECUTIVE DEPARTMENT, }
March 2.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act to authorize the removal of certain convicts to the State prison."

S. T. MASON.

On motion of Mr. Fitzgerald,

The House then resolved itself into committee of the whole, and resumed the consideration of the "Bill to establish a State bank," Mr. Smith in the chair.

After some time spent thereon, the committee rose, and reported the bill back to the House with amendments ; and the same being under consideration, was re-committed to the committee on banks and incorporations.

On motion of Mr. Adam,

The "Bill to amend the chapter of the Revised Statutes, entitled of 'primary schools,'" was resumed in committee of the whole, Mr. Tucker in the chair, amended on motion of Mr. Adam, reported back to the House and laid upon the table.

On motion of Mr. Acker,

The House adjourned.

MONDAY, MARCH 4.

The House met pursuant to adjournment, and on calling the roll, Messrs. Brown, Chase, Dort, Mead and Wixom were absent.

Prayer by the Rev. Mr. Comstock.

The journal of Saturday was read and approved.

ABSENCE.

Mr. Davis asked and obtained leave of absence for Mr. Wixom, until Thursday next.

Mr. Renwick, for Mr. Mead, until to-morrow.

PETITIONS.

By Mr. Fitzgerald. Of R. E. Ward and forty-eight others, for an appropriation to improve the navigation of the St. Joseph river; referred to the committee on internal improvement.

By Mr. Near. Of Edwin Raymond, and sixty other citizens of the town of Monguagon, against the passage of a bill for collecting taxes for the year 1837; referred to the committee of ways and means.

By Mr. Decker. Of citizens of Oakland county, against an alteration of the boundary line of said county, by attaching a tier of towns to the county of Livingston; referred to the select committee on that subject.

By Mr. Goodwin. Of Harris C. Goodrich and other citizens of Tekonsha, in the county of Calhoun, praying for the alteration of a State road and for other purposes; referred to the committee on roads and bridges.

By Mr. Davis. Of seventy-two legal voters of the township of Southfield, Oakland county, on the subject of slavery; referred to the select committee on that subject.

By Mr. Smith. Of Michael A. Patterson and two hundred and forty other citizens of the county of Lenawee, for the passage of an act making real estate available in the payment of debts; referred to the committee on the judiciary.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, reported a bill to alter the limits of the corporation of the

village of Tecumseh, which was referred to the committee of the whole, and ordered to be printed.

Also, "A bill to increase the capital stock of the Gibraltar and Flat Rock company," which was laid on the table.

Also, an accompanying report, adverse to the petition of said company, asking aid of the State in the construction of their canal.

Mr. Mack, from the committee of ways and means, to whom was referred the petition of Thomas Beals, relative to a protested draft on the State treasury, reported the following resolution, which was laid upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be required to pay to Thomas Beals, or his assigns, the principal and interest on a check drawn by the State Treasurer on the Michigan State Bank for the sum of \$10,350, bearing date January 5, 1839, upon the surrender and cancelling of said check.

Mr. Ormsby, from the committee on towns and counties, reported a bill to provide for the removal of the county site of Hillsdale county, which was referred to the committee of the whole and ordered to be printed.

Mr. King, from the committee on enrolment, reported as correctly enrolled :

"An act to extend the time of payment of the university and school moneys, and for other purposes."

"An act relative to school books and books for school district libraries."

"An act to ascertain the value of a certain school section in the county of Branch."

And "An act requiring certain returns to be made from incorporated academies and other literary institutions."

Mr. Mack, from the select committee to whom was referred the petition of the forwarding merchants of the city of Detroit, relative to unclaimed goods, reported "A bill relative to unclaimed trunks, baggage, and other unclaimed personal property."

Mr. Acker, from the select committee on so much of the Governor's message as related to sales at auction, reported a bill to

regulate sales at auction and for other purposes, which was referred to committee of the whole and ordered to be printed.

Mr. Goodwin, from the select committee on the subject of temperance, made a report on the subject of the petitions referred to them, which was laid on the table, and five hundred extra copies ordered to be printed.

RESOLUTIONS.

Mr. Livermore offered the following resolution, which was laid upon the table :

Whereas the seat of the Hon. Lucius Lyon, United States Senator from the State of Michigan, has become vacant by the expiration of the term for which he was elected, whereas no law at present exists providing for the filling of such vacancy, and whereas it is important that the State of Michigan should be fully represented in the Senate of the United States ; therefore,

Resolved, (the Senate concurring,) That on the second Tuesday in March, 1839, the Senate and House of Representatives of the State of Michigan shall each proceed in the manner prescribed in sections eight and nine of chapter ten of title two, part first of the Revised Statutes, to make such election, and it shall be lawful, if necessary, to continue from day to day until such election is completed. The election of United States Senator by virtue of this resolution, shall be as valid as if it had taken place at the time prescribed by law.

Mr. A. Allen offered the following resolution, which was adopted:

Resolved, That a special committee of three be appointed to investigate the accounts of Benjamin Porter, acting Commissioner for the State penitentiary, at Jacksonburg, with power to send for persons and papers.

Messrs. A. Allen, Copeland and Shurts were appointed said committee.

Mr. Adam offered the following, which was laid upon the table :

Resolved, That the committee on banks and incorporations to whom has been re-committed the bill to establish a State bank, be instructed to amend said bill by striking out so much as provides for the State paying up instalments on stock owned by re-

sidents of the State, upon such stockholders' giving security to the State by mortgage.

Mr. Renwick offered the following, which was adopted :

Resolved, That the committee on education be instructed to inquire into the expediency of repealing the joint resolution of the Senate and House of Representatives of the State of Michigan, authorizing the Superintendent to furnish one copy of the Journal of Education for the use of the inspectors of each township, and one copy to the district board of each district, for the use of the board, and to deduct the amount of subscription for said copies from the moneys to be apportioned to such town and district : approved March 30th, 1838.

On motion of Mr. Patterson,

The House went into committee of the whole, Mr. Ormsby in the chair, on the " Bill for the promotion of agriculture."

After some time spent thereon, the committee rose and reported the same back to the House, and asked its re-commitment to the committee on agriculture.

The House concurring, the bill was ordered re-committed.

On motion of Mr. McKee,

The House again went into committee of the whole on the bill to organize certain townships and for other purposes, Mr. Eaton in the chair.

After some time spent thereon, the committee rose, reported the bill back to the House with sundry amendments, and asked their concurrence thereto.

The House having concurred, the bill was, on motion of Mr. Hammond, re-committed to the committee on towns and counties.

On motion of Mr. Gibbs,

The House again went into committee of the whole, Mr. Fitzgerald in the chair, on the bill "to amend title second of the third part of the Revised Statutes."

After spending some time thereon the committee rose and reported the bill back to the House with sundry amendments, and asked the concurrence of the House.

The House concurring, on motion of Mr. Gibbs, the bill was

laid on the table, and made the special order of the day for to-morrow.

On motion of Mr. Adam,

The House again went into committee of the whole, on the bill to create a fund for the benefit of the branches of the university of Michigan, Mr. Pond in the chair.

After spending some time thereon, the committee rose, reported the bill back to the House, with sundry amendments, which were concurred in by the House.

On motion of Mr. Patterson,

The bill was laid upon the table, and made the special order of the day for Wednesday.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
March 4, 1839. }

To the House of Representatives :

I transmit herewith certain resolutions passed by the General Assembly of the State of Indiana, relative to the interference of the non-slaveholding states with the subject of slavery, which I am requested to lay before the Legislature of this State.

S. T. MASON.

Which said communication was referred to the special committee on so much of the Governor's message as relates to that subject.

EXECUTIVE DEPARTMENT, }
March 4, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State :

"An act to ascertain the value of a certain school section in the county of Branch."

"An act relative to school books, and books for school district libraries."

"An act requiring certain returns to be made from incorporated academies and other literary institutions."

"An act to extend the time of payment of the university and school moneys, and for other purposes."

S. T. MASON.

On motion of Mr. Acker,

The House went into committee of the whole, on the "Bill to incorporate the Jackson band," Mr. McKee in the chair.

Mr. Eaton moved to amend the bill by inserting in the sixth line, after the word "band," "for the purpose of improving the residents of the State prison in the science of drumming."

On motion of Mr. Acker,

The committee reported the bill back to the House without amendment.

On motion of Mr. Acker.

The bill was then laid upon the table.

On motion of Mr. Finney,

The House then adjourned.

TUESDAY, MARCH 5.

The House met pursuant to adjournment, and on calling the roll, there were absent, Messrs. Brown, Levake and Tucker.

Prayer by the Rev. Mr. Comstock.

Journal of yesterday was read and corrected.

PETITIONS.

By Mr. Decker. Of Abalania Ulrich and 44 citizens of the towns of Metamora, in the county of Lapeer, and town of Oxford, Oakland county, praying for a law to be passed authorizing said Abalania Ulrich to convey real estate; referred to the committee on the judiciary.

By Mr. Chase. Of citizens of township one north, of range twelve east, in Macomb county, praying for an alteration of the name of said township; referred to the committee on towns and counties.

By Mr. Patterson. The remonstrance of Jonathan B rry and 378 other inhabitants of Lenawee county, against making real estate available in payment of debts at an appraised valuation; referred to the committee on the judiciary.

By Mr. Mack. Of Henry Snelling, praying for a loan of money for purposes therein expressed; referred to the committee on agriculture.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred a petition of the citizens of the village of Romeo, for certain alterations in their charter, reported that in the opinion of the committee no further legislation was necessary in relation to said charter, and asked for and obtained leave to be discharged from further consideration, and for the petitioners leave to withdraw the same.

Mr. Shurts, from the select committee to whom was referred the bill to prevent the issuing of small bills, reported the same back to the House with amendments, and the same was made the order of the day for Friday next.

Mr. Ormsby, from the committee on towns and counties, reported "A bill to regulate elections in newly organized townships," which was placed upon the general order.

Mr. Renwick, from the committee on roads and bridges, to whom was referred certain petitions of sundry inhabitants of Jackson and Calhoun counties, and also of sundry inhabitants of the county of Kalamazoo, in relation to the establishment of State roads, reported "A bill to provide for the laying out and establishing certain State roads," which was placed upon the general order.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, March 5, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return herewith to the House of Representatives the "Bill to amend the act to incorporate the village of Niles and the acts amendatory thereto," and respectfully inform you that the same has passed the Senate with amendments.

I am also instructed to transmit herewith a "Bill to promote agriculture," and inform you that the same has passed the Senate and the concurrence of the House is respectfully asked therein.

SAM'L. YORKE AT LEE,

Secretary of Senate.

And the bill to amend the act to incorporate the village of Niles and the acts amendatory thereto, was placed upon the general order.

And the "Bill to promote agriculture," was referred to the committee on agriculture.

RESOLUTIONS.

On motion of Mr. Fitzgerald,

Resolved, That the committee on education be instructed to inquire what provision, if any, should be made by law for the disposition, in accordance with the provisions of the Constitution, of a fine of one thousand dollars imposed in Berrien county for a breach of the penal laws.

Mr. Finney laid the following preamble and resolution upon the table :

Whereas, it having been shown by the report of Kintzing Pritchette, Esq., one of the Bank Commissioners of this State, that the "Farmers' and Mechanics' bank of Michigan," has contributed funds in specie, and issued certificates of deposit for the use of several fraudulent banking corporations, and thus apparently having been connected with those institutions to defraud the community under cover of the general banking law ; therefore,

Resolved, That a committee of five be appointed, with power to send for persons and papers, to inquire into the fact, and to ascertain if the said bank has violated its charter by fraudulent transactions, and to report to this House without delay.

On motion of Mr. Finney,

Resolved, That a select committee of five be appointed; and instructed to inquire into the expediency of authorizing the State Treasurer to issue treasury drafts, bearing interest of seven per cent, payable in New York, at such time as the next quarterly instalments of the "five million loan" shall be available at that place, to an amount not exceeding , to be applied to the payments of dues from the internal improvement fund for appropriations already made ; and to report by bill or otherwise.

Whereupon, the Speaker announced Messrs. Finney, Goodwin, Bacon, Clark and Tucker, as such committee.

Mr. Livermore called up his resolution of yesterday, and the same being under consideration, on his motion the word "fourth"

was inserted in the first clause in place of the word "second" Tuesday in March; and,

On motion of Mr. Renwick,

All after the word "completed," being the second clause of the resolution, was stricken out.

Mr. Ormsby moved to amend the resolution by striking out all after the word election, upon which the yeas and nays being called for, the motion was lost, by the following vote:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. L. Allen, | Mr. Little, | Mr. Pierce, |
| Mr. Copeland, | Mr. Meacham, | Mr. Renwick, |
| Mr. Davis, | Mr. Mead, | Mr. Seeley, |
| Mr. Hammond, | Mr. Near, | Mr. Shurtz, |
| Mr. Hooker, | Mr. Newton, | Mr. Speaker, |
| Mr. Jennings, | Mr. Ormsby, | Mr. Stout, |
| Mr. Lowry, | | |

19

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Mack, |
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. Howland, | Mr. Tackels, |
| Mr. Decker, | Mr. King, | Mr. Tucker, |
| Mr. Dort, | Mr. Livermore, | |

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Mr. Hammond then moved to amend the resolution by inserting after the word election, "as soon as the Hon. John Norvell and Lucius Lyon should arrive in this city."

Which motion, on the yeas and nays being called, was lost, by the following vote:

YEAS.

Mr. Hammond,

Mr. Little,

2

NAYS.

Mr. Acker,

Mr. Finney,

Mr. Near,

Mr. Adam,

Mr. Fitzgerald,

Mr. Newton,

| | | |
|---------------|----------------|----------------|
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormaby, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Axford, | Mr. Grovier, | Mr. Pierca, |
| Mr. Bacon, | Mr. Howland, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chapin, | Mr. Jennings, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Livarmore, | Mr. Shurts, |
| Mr. Davis, | Mr. Mack, | Mr. Smith, |
| Mr. Decker, | Mr. Meacham, | Mr. Speaker, |
| Mr. Dort, | Mr. Mead, | Mr. Stout, |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, |
| Mr. Eaton, | | |

46

The question then being on the passage of the resolution, and the yeas and nays being called for, the same as amended was adopted, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Patterson, |
| Mr. Adam, | Mr. Eaton, | Mr. Pond, |
| Mr. A. Allen, | Mr. Finney, | Mr. Saunders, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. King, | Mr. Speaker, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | |

32

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. Lowry, | Mr. Ormaby, |
| Mr. Davis, | Mr. Little, | Mr. Pierce, |
| Mr. Hammond, | Mr. Meacham, | Mr. Renwick, |
| Mr. Howland, | Mr. Mead, | Mr. Stout, |
| Mr. Hooker, | Mr. McKee, | |

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The preamble and resolution as adopted, being in the following words :

Whereas, the seat of the Hon. Lucius Lyon, United States Senator from the State of Michigan, has become vacant by the expiration of the term for which he was elected ; whereas, no law at present exists providing for the filling of such vacancy, and whereas it is important that the State of Michigan should be fully represented in the Senate of the United States ; therefore,

Resolved, by the Senate and House of Representatives, That on the fourth Tuesday in March, 1839, the Senate and House of Representatives of the State of Michigan shall each proceed in the manner prescribed in sections 8 and 9 of chapter 10 of title 2, part 1, of the Revised Statutes, to make such election, and it shall be lawful, if necessary, to continue from day to day until such election is completed.

Mr. Chapin called up his resolution laying upon the table, and the same was referred to the committee of the whole, Mr. Bacon in the chair, and the committee rose, and reported the same back to the House with amendments, and the same was passed, as follows :

Whereas, it is recommended by the board of internal improvement in their annual report, and it is believed by the members of this House, that the exclusive privilege of transporting produce and merchandize upon railroads belonging to the State, should not be retained by the State, but that the privilege should be free to all citizens, to place upon every such road their own cars for the carriage of freight, under suitable provisions ; therefore,

Resolved, That the committee on internal improvement be, and are hereby, instructed to inquire into the expediency of requiring the board of internal improvement to establish such rules and regulations on the several railroads belonging to the State as will extend to all citizens the right of furnishing their own passenger and freight cars, and of transporting passengers, produce and merchandize, subject to such tolls as the Commissioners shall direct.

Mr. Saunders asked for and obtained leave to present a claim of Lemuel Goodell, which was referred to the committee on claims.

On motion of Mr. Gibbs,

The bill from the Senate "to amend title second of the third part of the Revised Statutes," being the order of the day, was taken up, amended, read a third time and passed.

On motion of Mr. Adam,

The "Bill to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes," was taken up in committee of the whole, Mr. Howland in the chair, and after some time spent thereon, rose and reported the same back with amendments, and the rule was suspended, the bill read a third time and passed.

On motion of Mr. Smith,

The "Bill to authorize the county of Lenawee to borrow a certain sum of money," was taken up in committee of the whole, Mr. Sheldon in the chair, and after some time spent thereon the committee rose and reported the same, and the rule was suspended, bill read a third time and passed.

On motion of Mr. McKee,

The "Bill to organize the county of Clinton," was taken up in committee of the whole, Mr. Durocher in the chair; after some time rose, and reported with amendments, and the bill was ordered to a third reading.

On motion of Mr. Finney,

The "Bill to amend an act entitled 'An act to incorporate the Port Sheldon and Grand Rapids railroad company,'" was taken up in the committee of the whole, Mr. Hooker in the chair; after some time spent thereon the committee rose and reported with amendments, and the same was ordered to a third reading.

On motion, the House adjourned.

WEDNESDAY, MARCH 6.

The House met pursuant to adjournment, and on calling the roll, Mr. Wixom was absent on leave.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Howland. The proceedings of the Oakland county anti-slavery society; referred to the select committee on that subject.

By Mr. Davis. Of John A. Meadon and forty-one other citizens of the town of Rose, Oakland county, against the annexation of said township to the county of Livingston; referred to the select committee on that subject.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was recommitted the "Bill to establish a State Bank," reported the same back to the House with amendments.

RESOLUTIONS.

On motion of Mr. Dort,

Resolved, That three hundred additional copies of the report of K. Pritchette, Esq., Bank Commissioner, relative to specie certificates issued to create banks, &c., be published for the use of the House, and that the State Printer be requested to deliver the same to the messenger of the House.

On motion of Mr. Howland, the following preamble and resolution was adopted:

Whereas, the State Treasurer in his annual report to this House, of January ninth, one thousand eight hundred and thirty-nine, in his estimate of receipts and expenditures for the current year, exhibits a deficiency of seven thousand one hundred and three dollars; and whereas, in the present derangement of the currency and the financial affairs of the State, it becomes the duty of this Legislature so to restrict the expenditures of the government that they shall not exceed the receipts of the treasury, in order to prevent any resort to loans or taxation; therefore,

Resolved, That a select committee of five be appointed to inquire if any and what State offices may be abolished; if any, and what reduction of salaries, and other retrenchment of expendi-

tures may be made, so far as is consistent with the public good, and the faithful administration of the affairs of the State.

Whereupon, Messrs. Howland, Adam, Renwick, Shurts and Pierce, were appointed said committee.

The following entitled bill, "A bill to amend an act to incorporate the Port Sheldon and Grand Rapids railroad company," was read a third time and passed by a two-thirds vote, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pierce, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pond, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, |
| Mr. Chase, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Clark, | Mr. Jennings, | Mr. Smith, |
| Mr. Davis, | Mr. King, | Mr. Stout, |
| Mr. Decker, | Mr. Lowry, | Mr. Tackels, |
| Mr. Dort, | Mr. Mead, | Mr. Tucker, |
| Mr. Durocher, | Mr. McKee, | |

29

NAYS.

0

The House then proceeded to the general order, being the "Bill to create a fund for the benefit of the branches of the university of Michigan." After debate had thereon, the same was, on motion of Mr. Pond, laid upon the table.

On motion of Mr. Chapin, the House went into committee of the whole, Mr. Smith in the chair, on the bill to establish a State bank.

The committee, after some time spent thereon, rose and reported the bill with amendments, and asked the concurrence of the House.

The House having the same under consideration, concurred in the report of the committee of the whole; and Mr. Hooker then moved to amend section fifteen, by striking out "and to decide on all questions by which the board was equally divided, by his

casting vote in addition to his vote as director," and inserting, "and in no case to have but one vote," which was lost, by the following vote:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Bacon, | Mr. Hooker, | Mr. Newton, |
| Mr. Copeland, | Mr. Jennings, | Mr. Pond, |
| Mr. Davis, | Mr. Little, | Mr. Renwick, |
| Mr. Durocher, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker. |

15

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Pierce, |
| Mr. Axford, | Mr. Grovier, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Howland, | Mr. Seeley, |
| Mr. Chapin, | Mr. King, | Mr. Sheldon, |
| Mr. Chase, | Mr. Lowry, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, |
| Mr. Eaton, | | |

34

Mr. Adair moved to strike out as follows from section fifty-three:

"Each resident stockholder in said branches shall have the right of having the instalments that shall become due on his stock paid for by the State of Michigan in specie to the proper branch, upon securing the amount of the same to the State, to be repaid on or before the expiration of nineteen years from the year eighteen hundred and thirty-nine, with interest thereon at the rate of seven per cent per annum, payable semi-annually, and securing the same to the State by giving a bond and mortgage on the fee simple of unincumbered real estate, the fair cash value of which shall be (exclusive of perishable improvements) at least equal to twice the amount of such loan. The said bond and mortgage to be taken in the manner and subject to the provisions hereinafter specified. Any stockholder who, in executing any mortgage as aforesaid, shall be guilty of any fraud, or deception,

in regard to his title, shall forfeit his stock and the amount paid thereon to said branch bank."

The yeas and nays being called for, the motion was lost, by the following vote :

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Adam, | Mr. Durocher, | Mr. Pierce, |
| Mr. Axford, | Mr. Eaton, | Mr. Pond, |
| Mr. Chase, | Mr. Howland, | Mr. Renwick, |
| Mr. Clark, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Decker, | Mr. Lowry, | Mr. Shurts, |
| Mr. Dort, | Mr. Mead, | Mr. Tucker, |

18

NAYS.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Near, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hooker, | Mr. Patterson, |
| Mr. Beaufait, | Mr. King, | Mr. Saunders, |
| Mr. Chapin, | Mr. Little, | Mr. Seeley, |
| Mr. Copeland, | Mr. Livermore, | Mr. Smith, |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, |
| Mr. Finney, | Mr. Meacham, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Tackels, |
| Mr. Gibbs, | | |

31

Mr. Shurts then moved to strike out from section ten the word "one," and insert "five," so that the section should read "no notes shall be issued of a less denomination than five dollars;" and the yeas and nays being called, the same was lost, by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Mack, | Mr. Sheldon, |
| Mr. Chase, | Mr. Patterson, | Mr. Shurts, |
| Mr. Durocher, | Mr. Pond, | Mr. Speaker, |
| Mr. Goodwin, | | |

13

NAYS.

| | | |
|------------|-----------------|------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Adam, | Mr. Gibbs, | Mr. Near, |

| | | |
|---------------|----------------|--------------|
| Mr. A. Allen, | Mr. Hammond, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pierce, |
| Mr. Clark, | Mr. Jennings, | Mr. Benwick, |
| Mr. Copeland, | Mr. King, | Mr. Seeley, |
| Mr. Davis, | Mr. Lowry, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Stout, |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, |
| Mr. Eaton, | Mr. Meacham, | Mr. Tucker, |
| Mr. Finney, | Mr. Mead, | |

35

On motion of Mr. Smith, the bill was then laid upon the table.

On motion of Mr. Smith, an additional number of three, consisting of Messrs. Fitzgerald, Finney and Chapin, were added to the committee on militia.

Mr. McKee, from the committee on towns and counties, to whom was re-committed the "Bill to organize certain townships, and for other purposes," reported the same back with amendments, and the bill was laid upon the table.

On motion of Mr. L. Allen, an addition of two was added to the committee on education, consisting of Messrs. Pierce and McKee.

Mr. Patterson, from the committee on agriculture, reported back to the House the "Bill for the promotion of agriculture," with amendments, and the same was re-committed to the committee of the whole.

The Speaker announced a communication from James A. Armstrong, Esq., assistant cashier of the Michigan State Bank, enclosing a statement of moneys paid the committee appointed by the Legislature to investigate the condition of the Bank of Michigan in April, 1838," which was referred to the committee on ways and means.

Also, a communication from Douglass Houghton, Esq., State Geologist, which was referred to the select committee on geological survey.

On motion of Mr. Saunders,

The House adjourned.

THURSDAY, MARCH 7.

The House met pursuant to adjournment, and on calling the roll, there were absent Messrs. Brown, Durocher, Near and Wixom.

Prayer by the Rev. Mr. Cornstock.

The journal of yesterday was read and approved.

ABSENCE.

Mr. Davis asked and obtained leave of absence for Mr. Wixom, until Monday.

Mr. Acker for Mr. Near, the same.

Mr. Bacon for Messrs. Brown and Durocher, on account of indisposition.

PETITIONS.

By Mr. Newton. Of county commissioners of Cass county, with accompanying affidavits, to be discharged from the payment of taxes illegally assessed for the year 1836; referred to committee on the judiciary.

By Mr. Shurts. Two several petitions of citizens of the county of St. Joseph, for the improvement of St. Joseph river; referred to the committee on internal improvement.

By Mr. Finney. Of sundry citizens of Allegan county, for the organization of a town; referred to the committee on towns and counties.

By Mr. L. Allen. Of the presbyterian church and society of Sharon and Bridgewater, to change the name of said society; referred to the committee on incorporations.

By Mr. Bacon. Of citizens of Hillsdale county, for a State road from Union city, in Branch county, to Jonesville, in the county of Hillsdale; referred to the committee on roads and bridges.

By Mr. Sheldon. The remonstrance of 145 citizens of Plymouth, Wayne county, against the passage of any law for the appraisal and setting off real estate on execution at the appraised value; referred to the committee on the judiciary.

By Mr. Ormsby. Of sundry citizens for compensation for services in the Toledo war; referred to the committee on claims.

By Mr. Mack. Of citizens of town 7 north, of range 3 east,

to be organized into a separate township ; referred to the committee on towns and counties.

REPORTS.

Mr. Gibbs, from the judiciary committee, reported a " Bill to abolish imprisonment for debt, and to punish fraudulent debtors," which was referred to the committee of the whole.

Also, a " Bill to provide for the appointment of circuit attorneys and to define their duties ;" same reference.

Also, a " Bill to legalize the election of school inspectors, elected for 1837 ;" same reference.

Also, a " Bill to prohibit sheriffs and deputy sheriffs from serving process issued by justice of the peace ;" same reference, and ordered to be printed.

Mr. Howland, from the majority of the committee on printing, to whom was referred the bill of Mr. Sheldon, to " repeal an act entitled an act to appoint a state printer, and prescribing his duties," reported a substitute therefor.

And Mr. Livermore, from the minority of the same committee, reported against any further legislation upon the subject, and both reports were laid upon the table and ordered to be printed.

Mr. Finney, from the select committee on that subject, reported a " Bill for the safe keeping and disbursing of public moneys," which was ordered to be printed, and made the special order for to-morrow.

Mr. Fitzgerald, from the committee on the judiciary, reported a " Bill supplemental to the bill for abolishing imprisonment for debt," which was placed upon the general order.

Mr. Adam, from the committee on geological survey, reported a " Preamble and resolutions relative to procuring certain plats of United States surveys in this State," which were laid upon the table.

On motion of Mr. Gibbs,

The Senate bill to amend chapter 3, title 1, part 3 of the Revised Statutes, entitled " Of the circuit courts," was ordered to be printed.

Mr. Ormsby, from the committee on towns and counties, to whom was referred the petition of William Beach and others, re-

ported adverse to further legislation thereupon ; and the committee were discharged from the further consideration thereof.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
March 7, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return herewith the joint resolution relative to the election of a United States Senator, and respectfully inform you that the same has been concurred in by the Senate, with an amendment, to substitute the "second Monday," for the "fourth Tuesday."

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the House non-concurred in the amendment, and the resolution was returned to the Senate.

RESOLUTIONS.

Mr. Smith, from the committee on militia, introduced the following preamble and resolution :

Whereas, The difficulties on our north-eastern frontier, as well as the language of Sir John Harvey, ("that he has been instructed by the British government to exercise exclusive jurisdiction over the disputed territory, and that he shall obey his instructions,") indicate a rupture of those friendly relations which have long existed between the government of Great Britain and the U. States : and

Whereas, the militia of our country, which must be our main dependence in case of emergency, is lamentably deficient in organization ; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be requested and all militia officers directed, to cause a more thorough and efficient organization of the militia of this State.

The rule being suspended, on motion of the mover, and after debates thereupon, the question being taken on the resolution by yeas and nays, the same was adopted, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Adam, | Mr. Gibbs, | Mr. Newton, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Orinsby, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. Axford, | Mr. Hammond, | Mr. Pierce, |
| Mr. Bacon, | Mr. Howland, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Clark, | Mr. Lowry, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Davis, | Mr. Livermore, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Stout, |
| Mr. Dort, | Mr. Meacham, | Mr. Tackels, |
| Mr. Eaton, | Mr. Mead, | Mr. Tocker, |
| Mr. Finney, | | |

46

NAYS.

Mr. Renwick,

1

Mr. Goodwin having amended a motion of Mr. McKee, to strike out a part of the preamble, by striking out the whole, the yeas and nays were called, and the motion prevailed, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Clark, | Mr. Jennings, |
| Mr. Adam, | Mr. Copeland, | Mr. Livermore, |
| Mr. A. Allen, | Mr. Decker, | Mr. Meacham, |
| Mr. L. Allen, | Mr. Finney, | Mr. Newton, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pieroe, |
| Mr. Bacon, | Mr. Hammond, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Stout, |
| Mr. Chase, | | |

22

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Chapin, | Mr. Howland, | Mr. Pond, |
| Mr. Davis, | Mr. Lowry, | Mr. Seeley, |
| Mr. Dort, | Mr. Little, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Mead, | Mr. Shurts, |

| | | | |
|-----------------|----------------|--------------|----|
| Mr. Fitzgerald, | Mr. McKee, | Mr. Smith, | |
| Mr. Gibbs, | Mr. Ormsby, | Mr. Speaker, | |
| Mr. Grovier, | Mr. Patterson, | Mr. Tucker, | 21 |

Mr. Livermore then moved the following substitute :

Whereas, it is proper " in time of peace to prepare for war ;" which was lost.

Mr. Finney called up his preamble and resolution laid upon the table on the 5th inst. ; and the same being under consideration, Mr. Stout moved to amend by inserting " all the banks in the State."

Mr. Little proposed to amend as follows :

" And also to inquire if the receivers of the land offices in this State have general banking powers given them under their appointments from the general government."

Which was lost.

The question being on Mr. Stout's amendment, Mr. McKee offered the following substitute :

Resolved, That a committee of five be appointed, with power to send for persons and papers, to inquire into the fact, and to ascertain whether any of said banks have violated their charters by fraudulent transactions, and to report to this House without delay.

Mr. Smith called for the previous question, and being sustained, the yeas and nays were called, and the vote stood thus :

YEAS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, | |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, | |
| Mr. Dort, | Mr. Patterson, | Mr. Tackels, | |
| Mr. Eaton, | Mr. Pond, | | 23 |

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Axford, | Mr. King, | Mr. Pierce, |

| | | | |
|---------------|--------------|--------------|----|
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, | |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, | |
| Mr. Howland, | Mr. McKee, | | 20 |

The yeas and nays being then called on the final adoption of the resolution, the vote stood as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Adam, | Mr. Grovier, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pond, |
| Mr. Axford, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. King, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chapin, | Mr. Little, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Shurts, |
| Mr. Clark, | Mr. Mack, | Mr. Smith, |
| Mr. Copeland, | Mr. Meacham, | Mr. Speaker, |
| Mr. Dort, | Mr. Mead, | Mr. Tackels, |
| Mr. Eaton, | Mr. Newton, | Mr. Tucker, |
| Mr. Finney, | | |

40

NAYS.

| | | |
|------------|------------|---|
| Mr. McKee, | Mr. Stout, | 2 |
|------------|------------|---|

And the preamble and resolution, in the following words, was adopted :

Whereas, it having been shown by the report of Kintzing Pritchette, Esq., one of the Bank Commissioners of this State, that the " Farmers' and Mechanics' bank of Michigan," has contributed funds in specie, and issued certificates of deposit, for the use of several fraudulent banking corporations, and thus apparently having been connected with those institutions to defraud the community, under cover of the general banking law ; therefore,

Resolved, That a committee of five be appointed, with power to send for persons and papers, to inquire into the facts, and to ascertain if the said bank has violated its charter by fraudulent transactions, and to report to this House without delay.

The Speaker then announced as such committee, Messrs. Finney, Hammond, Fitzgerald, Little and Adam.

Mr. McKee called up the "Bill to organize the county of Clinton," which was amended, read a third time and passed.

On motion of Mr. McKee,

The "Bill to organize certain townships and for other purposes," was taken up in committee of the whole, Mr. Sheldon in the chair; after some time spent thereon, the committee rose, reported the same back to the House with amendments, and on motion of Mr. Little, the bill was re-committed to the committee on towns and counties.

• Mr. Ormsby asked for and obtained leave of absence for Mr. Acker and himself, until Monday.

On motion of Mr. Chapin,

The House adjourned.

FRIDAY, MARCH 8.

The House met pursuant to adjournment, and on calling the roll, Messrs. Chase, Durocher, Clark, Davis, Brown, Axford, Lowry and Levake were absent, and Messrs. Near and Wixom on leave.

Prayer by Rev. Mr. Comstock.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. Howland asked for and obtained leave of absence for Mr. Lowry until Monday.

Mr. Chase for Mr. Axford, the same.

Mr. Livermore for Messrs. Clark and Davis, the same.

Mr. Tackels for Mr. Decker, the same.

Mr. Bacon for Messrs. Brown and Durocher, on account of indisposition.

PETITIONS.

By Mr. Mack. Claim of George R. Griswold, for printing military orders; referred to the committee on claims.

Also, of Cornelius Mitchell, for services rendered the public in the years 1832 and 1834: referred to the same committee.

By Mr. Mead. Of sundry citizens, for a law pledging the faith of the State to aid in the construction of a canal from Gibraltar to Ypsilanti; referred to the committee on internal improvement.

REPORTS.

Mr. Finney, from the committee on internal improvement, reported "A bill authorizing Abraham Clark and others to build a dam across Red Cedar river."

Also, "A bill to provide for the assessment and payment of damages caused by the location and construction of railroads and canals in certain cases."

Also reported back to the House the petition referred to them, "Of the stockholders of the River Raisin and Grand River railroad company, praying for reimbursement of certain expenditures," and asked to be discharged from the further consideration of that subject; on motion, the committee were so discharged.

Also, reported back to the House the petition to them referred, "Of inhabitants of Eaton county, for a State road," and asked its reference to the committee on roads and bridges; so referred.

Mr. Renwick, from the committee on roads and bridges, to whom was referred several petitions of citizens of Wayne and Washtenaw, for an appropriation to repair the Chicago road, reported adverse to the prayer of the petitioners, and, on motion, were discharged from their further consideration.

Mr. Gibbs, pursuant to leave, introduced a bill to provide for the draining of swamps, marshes and other low land; referred to committee on agriculture.

Mr. Finney, from the committee on internal improvement, in pursuance of a resolution instructing them to inquire into the expediency of providing for the transportation of freight upon railroads in this State, so as to allow individual competition, laid the following joint resolution upon the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be, and are hereby authorized and required to furnish and keep in good repair one locomotive, for the use of such persons as may engage in the conveyance and transportation of freight, who shall furnish their own freight cars, and pay such rate of toll as shall be fixed by said board,

Mr. McKee, from the committee on towns and counties, reported back to the House with amendments, the "Bill to organ-

ize certain townships and for other purposes," which was laid on the table.

On motion of Mr. Shurts,

Resolved, That the communication from the president of the board of internal improvement of the survey and estimates made by Erastus Hurd, Esq. for a railroad from Centerville, via Lockport, Geneva and Cassopolis, to Niles, be referred to the committee on internal improvement, and that they be requested to report thereon without any unnecessary delay.

Mr. Adam called up the resolution by him laid upon the table yesterday, and on his motion the same was adopted, reading in the following words :

Whereas, by an act of Congress, approved June twenty-third, one thousand eight hundred and thirty-six, and the acceptance of the propositions therein contained by the Legislature of the State, there were granted to the State of Michigan twelve salt springs, situated and to be selected within the limits of said State; and whereas, five of said salt springs, together with the six sections of land granted by the aforesaid act in connection with each of the salt springs authorized to be selected and reserved by the State; and whereas, the State Geologist, appointed on the part of the State to make the selection of the aforesaid salt springs and lands, is unable, from the want of access to the map and plats of the late surveys made by the authority of the United States in the northern portion of the lower peninsula of this State, to make said locations; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the secretary of the treasury of the United States be and he is hereby respectfully requested to cause such instructions to be given to the office of surveyor general at Cincinnati, as will procure to Douglass Houghton, State Geologist of this State, or to his special order, access to or means of procuring copies of the maps and plats of the late surveys in this State, for the purpose of enabling him to make the selection of the salt springs and salt-spring lands granted to this State within the period prescribed by the act of Congress making said grant, as well as the better to enable said Geologist to prosecute to advantage the geological survey of the State now in progress.

Resolved, That the Executive be requested to forward a copy of the foregoing resolution to the secretary of the treasury of the United States, soliciting a compliance with the request therein made.

The Speaker announced the following communication from the Senate, by their secretary, Mr. At Lee.

SENATE CHAMBER, }
Detroit, March 3, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House the joint resolution relative to the election of United States Senator, and respectfully inform you that the Senate have appointed Messrs. Summers, Kercheval and Gidley a committee of conference thereon.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the Speaker thereupon announced as the members of the committee of conference on the part of the House, Messrs. Livermore, Renwick and Pond.

The bill to organize the county of Clinton, was read the third time and passed.

On motion of Mr. Shurts,

The House went into committee of the whole, Mr. Tucker in the chair, on the " Bill to prevent the issuing or passing of small notes for the payment of money ;" after some time spent thereon, the committee reported the same back to the House with amendments, and asked their concurrence. The House concurring, on motion of Mr. Hammond, the bill was laid on the table.

On motion of Mr. Finney,

The House again went into committee of the whole, Mr. Copeland in the chair, on the " Bill for the safe keeping and disbursing of the public moneys ;" after spending some time thereon, the committee rose and reported the same back to the House without amendment.

The same being under consideration, Mr. Little moved to lay the bill on the table, and on the yeas and nays being called, the motion was lost, by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. King, | Mr. Pond, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Hammond, | Mr. Mack, | Mr. Stout, |
| Mr. Hooker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Howland, | Mr. Mead, | Mr. Tucker, |

18

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Dort, | Mr. Livermore, | Mr. Smith, |
| Mr. Eaton, | Mr. McKee, | Mr. Speaker, |

21

Mr. Hammond moved to amend by striking out all after the word "banks," in the ninth line of the fourth section, to the period in the sixteenth line, which motion was sustained.

Mr. Finney moved to amend by inserting in place of the words stricken out, "the treasurer, if he deems it necessary for the interest of the State, shall require such bank to redeem the same on demand, and unless such bank shall redeem the same, the treasurer shall give notice in the State paper, that the bills of such bank will no longer be received in payment of public dues or taxes," which motion prevailed, and the bill was so amended.

Mr. Hammond moved that the bill be recommitted to the committee that reported the same, and on the yeas and nays being called, the motion was sustained, by the following vote :

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. L. Allen, | Mr. King, | Mr. Pond, |
| Mr. Bacon, | Mr. Little, | Mr. Renwick, |
| Mr. Copeland, | Mr. Mack, | Mr. Seeley, |
| Mr. Hammond, | Mr. Meacham, | Mr. Stout, |
| Mr. Howland, | Mr. Mead, | Mr. Tackels, |
| Mr. Hooker, | Mr. Newton, | Mr. Tucker, |
| Mr. Jennings, | | |

19

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurts, | |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, | |
| Mr. Dort, | Mr. Livermore, | Mr. Speaker, | 18 |

On motion of Mr. Little,

The House then went into committee of the whole, Mr. Stout in the chair, on the "Bill establishing the counties of Tuscola and Iosco, and defining the boundaries of the county of Sanilac;" after some time spent thereon the committee rose, reported the bill back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration, on motion of Mr. Little, the word "Tuscola," wherever it occurred in said bill, was stricken out, and "Kishcaugo" added.

On motion of Mr. Adam,

The bill was amended by striking out the word "Iosco," wherever it occurred, and "Mohigan" substituted.

On motion of Mr. Little,

So much of the twenty-second rule as requires that the second and third readings of the bill shall be on different days, was suspended. The bill was then read the third time and passed.

On motion of Mr. McKee,

The "Bill to organize certain townships, and for other purposes," was taken up.

The same being under consideration, on motion of Mr. Little, the word "Tuscola," in the first line of the second section, was stricken out, and the word "Kishcaugo" substituted; also, the word "Elizabethtown," in the second line of said section, was stricken out, and the word "Kishcaugo" substituted.

On motion of Mr. McKee,

The bill was passed to a third reading and ordered to be engrossed.

Mr. Adam moved that when the House adjourn it should be to meet again at two o'clock in the afternoon, which motion was lost.

Mr. Hammond then moved to adjourn, and on the yeas and nays being called, the motion was lost, by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. L. Allen, | Mr. Hooker, | Mr. Seeley, |
| Mr. Bacon, | Mr. Jennings, | Mr. Speaker, |
| Mr. Chapin, | Mr. Little, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | Mr. Renwick, | |

14

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Mack, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chase, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Copeland, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Dort, | Mr. Livermore, | |

17

Mr. Adam then moved to adjourn to half past two o'clock P. M., and on calling the yeas and nays, the same was negatived, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Livermore, |
| Mr. Beaufait, | Mr. Finney, | Mr. McKee, |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Chase, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Dort, | Mr. Grovier, | Mr. Sheldon, |

15

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. A. Allen, | Mr. Howland, | Mr. Renwick, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Saunders, |
| Mr. Bacon, | Mr. Jennings, | Mr. Speaker, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Goodwin, | Mr. Mack, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | |

17

On motion of Mr. Finney,

An additional member was added to the select committee having under consideration the bill and resolution relative to the safe-keeping and disbursing of public moneys.

The Chair announced Mr. Fitzgerald as said additional member.

On motion of Mr. Hooker,
The House adjourned.

SATURDAY, MARCH 9.

The House met pursuant to adjournment, and on calling the roll, Messrs. Levake and Pierce were absent; and Messrs. Acker, Axford, Clark, Davis, Decker, Durocher, Lowry, Meacham, Near, Ormsby and Wixom, on leave.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. L. Allen asked for and obtained leave of absence for Mr. Pierce until Monday.

PETITIONS.

By Mr. Gibbs. Claim of John Greves for printing; referred to committee on claims.

By Mr. Little. Of citizens of the county of Shiawassee, to make the town of Shiawassee the county seat of that county for temporary purposes; referred to committee on towns and counties.

On motion of Mr. Howland, the House then went into committee of the whole, Mr. McKee in the chair, on the bill to regulate township elections in newly organized townships. After some time spent thereon, the committee rose, reported the same back to the House with sundry amendments, to which they asked the concurrence of the House.

The House concurring, and the same being under consideration,

Mr. Adam moved to amend the bill by inserting an additional section, to stand as the fourth section—subsequently withdrawn.

Mr. McKee moved the following amendment, to come in at the end of section one, "and at such meeting there shall be an election for such officers as are by law to be elected at the township meeting in the several townships:" which was sustained.

Mr. Goodwin moved to amend the bill by striking out after the enacting clause, the first, second and fourth sections, and inserting the following:

"That the first township meeting in all newly organized townships, shall be held on the same day, and proceed in all respects in the same manner as other townships. The officers of the day shall be chosen in the same manner as if all the township officers were absent in other cases."

Which was lost.

On motion of Mr. McKee, the bill was so amended as to take effect on and after the first Monday in April next.

On motion of Mr. Howland, so much of the twenty-second rule as required the second and third reading to be on different days, was suspended. the bill read a third time and passed.

On motion of Mr. Patterson, the House went into committee of the whole on the "Bill for the promotion of agriculture," Mr. Jennings in the chair. After spending some time thereon, the committee rose, reported the bill back to the House with amendments, which were concurred in by the House.

Mr. Dort moved to amend the bill by striking out all after the enacting clause and inserting the Senate bill: the same being under consideration, Mr. McKee moved to lay the bill and amendments on the table.

And the yeas and nays being called, the motion was sustained, by the following vote:

YEAS.

| | | |
|---------------|--------------|---------------|
| Mr. L. Allen, | Mr. Hammond, | Mr. Saunders, |
| Mr. Beaufait, | Mr. King, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Mack, | Mr. Speaker, |
| Mr. Eaton, | Mr. Meacham, | Mr. Stout, |
| Mr. Finney, | Mr. McKee, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Renwick, | Mr. Tucker, |
| Mr. Grovier, | | |

22

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mead, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |

| | | | |
|-------------|----------------|-------------|----|
| Mr. Brown, | Mr. Howland, | Mr. Pond, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, | 15 |

On motion of Mr. Finney, .

The House went into committee of the whole on the bill yesterday recommitted to the select committee, who reported it, entitled a bill for the safe keeping and disbursement of public money, Mr. Copeland in the chair.

After spending some time therein, and debate had thereon, the committee rose, reported the bill back to the House with amendments, which were concurred in by the House, and the bill was re-committed to the select committee on that subject.

Mr. McKee called up the bill to organize certain townships and for other purposes, amendments were made thereto, and the bill again re-committed to committee on towns and counties.

Mr. Goodwin laid the following joint resolution upon the table:

Resolved, by the Senate and House of Representatives, That a joint committee of three from the House and two from the Senate, be appointed to draft and report a set of rules for the government of joint conventions of the two Houses of the Legislature.

On motion of Mr. King,

The House adjourned.

MONDAY, MARCH 11.

The House met pursuant to adjournment, and on calling the roll, Messrs. Axford, Clark, Lowry, Livermore, Near, Pierce, Sheldon and Wixom were absent.

Prayer by the Rev. Mr. Comstock.

ABSENCE.

Mr. Eaton asked and obtained leave of absence for Mr. Sheldon, until to-morrow.

Mr. Renwick for Mr. Pierce, the same.

Mr. Chase for Mr. Livermore, till Wednesday next.

PETITIONS.

By Mr. Finney. Of J. H. Ford and others, of Ottawa county, praying for permission to erect a dam ; referred to the committee on the judiciary.

By Mr. Smith. Of Joseph H. Cleaveland, sheriff of Lenawee county, for compensation for subpoenaing witnesses to appear before committee of the Legislature, in 1838 ; referred to the committee on claims.

By Mr. Decker. Of Joshua Terry and 64 other citizens of Oakland county, for a State road, leading from Genesee county, via Groveland, Brandon, Atlas, to Pontiac ; referred to the committee on roads and bridges.

Also, of Charles C. Wakdo and 55 others, of Lapeer and Oakland counties, for the same ; referred to the same committee.

By Mr. Howland. Of 44 citizens of the township of Atlas, for a State road from Pontiac, via Orion, Independence and Groveland, to Flint river ; referred to the committee on roads and bridges.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, reported " A bill to change the name of the first Presbyterian church and society of Sharon and Bridgewater ;" referred to the committee of the whole and ordered to be printed.

Mr. Renwick, from the committee on roads and bridges, reported two several bills to provide for the laying out and estab-

lishing certain State roads ; referred to the committee of the whole and ordered to be printed.

Also, reported back to the House, the petition of citizens of Lenawee, for the repeal of so much of the act for establishing a State road leading from Bridgewater to the Ohio line, and asked to be discharged from the further consideration of the petitions, it not appearing that the notice by law required had been given.

Mr. McKee reported back to the House the bill re-committed to the committee on towns and counties, "to organize certain townships, and for other purposes," which was laid upon the table.

RESOLUTIONS.

On motion of Mr. Finney,

Resolved, That this House shall meet each day after the present, at half past nine o'clock, A. M., and at half past two o'clock, P. M., unless otherwise specially ordered.

Mr. Fitzgerald laid the following resolution on the table :

Resolved, That if the Senate concur, this Legislature will, adjourn on the first Monday of April next.

Mr. Adam offered the following resolution :

Resolved, That the committee on banks and incorporations be instructed to inquire into the expediency of prohibiting by law the transfer of bank stock in any bank or banking association, beyond a certain amount, without the approbation of the Bank Commissioner or Commissioners, or the sanction of the Legislature, or what other restrictions, if any, are necessary or expedient.

The yeas and nays being called for, the same was adopted, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Levake, |
| Mr. Adam, | Mr. Eaton, | Mr. Meacham, |
| Mr. A. Allen, | Mr. Finney, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Dort, | Mr. King, | Mr. Shurtz, |

| | | |
|---------------|---------------|--------------|
| Mr. Chase, | Mr. Hammond, | Mr. Smith, |
| Mr. Copeland, | Mr. Howland, | Mr. Speaker, |
| Mr. Davis, | Mr. Jennings, | Mr. Tackels, |
| Mr. Decker, | | |

34

NAYS.

| | | |
|-------------|-------------|--------------|
| Mr. Brown, | Mr. Mead, | Mr. Renwick, |
| Mr. Hooker, | Mr. McKee, | Mr. Stout, |
| Mr. Little, | Mr. Newton, | Mr. Tucker, |
| Mr. Mack, | | |

10

On motion of Mr. Levake,

Resolved, That the committee on militia be requested to inquire into the propriety of authorizing the Governor to organize a regiment of mixed bloods on the northern peninsula.

NOTICES.

Mr. A. Allen gave notice that at some future day he should ask leave to bring in a bill to authorize Mary Ann Whitney, a minor, to convey certain real estate.

Mr. McKee gave notice that he should on some future day ask leave to introduce "A bill to provide for the disposition of prisoners apprehended within the county of Shiawassee.

Mr. Goodwin called up the resolution by him offered on Saturday, which was adopted, in the following words :

Resolved, by the Senate and House of Representatives of the State of Michigan, That a joint committee of three from the House and two from the Senate, be appointed to draft and report a set of rules for the government of joint conventions of the two Houses of the Legislature.

And Messrs. Goodwin, Bacon and Adam were appointed said committee on the part of the House.

Mr. Shurts called up his preamble and resolutions laid on the table on the 28th February.

The question being on the first resolution, the same was adopted, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |

Mr. Chapin,
Mr. Chase,
Mr. Decker,
Mr. Dort,
Mr. Durocher,

Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Mack,

Mr. Shurts,
Mr. Smith,
Mr. Speaker,
Mr. Tackels,

22

NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Bacon,
Mr. Brown,
Mr. Copeland,
Mr. Davis,
Mr. Hammond,

Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. King,
Mr. Little,
Mr. Meacham,

Mr. Mead,
Mr. Newton,
Mr. Ormsby,
Mr. Renwick,
Mr. Stout,
Mr. Tucker,

19

The resolution being in the following words :

Resolved, by the Senate and House of Representatives of the State of Michigan, That in the opinion of the Legislature, the paper circulating medium, under the denomination of five dollar notes, has been a great cause of driving gold and silver out of circulation and opening a door for speculation, fraud and corruption, from which the good citizens of this State have severely suffered.

The question being then taken on the second resolution, the same was non-concurred in, as follows :

YEAS.

Mr. Adam,
Mr. A. Allen,
Mr. Beaufait,
Mr. Chapin,
Mr. Chase,
Mr. Decker,

Mr. Dort,
Mr. Durocher,
Mr. Eaton,
Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,

Mr. Goodwin,
Mr. Grovier,
Mr. Patterson,
Mr. Shurts,
Mr. Speaker,

17

NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Bacon,
Mr. Brown,
Mr. Copeland,
Mr. Davis,

Mr. Hooker,
Mr. Jennings,
Mr. King,
Mr. Little,
Mr. Mack,
Mr. Meacham.

Mr. Ormsby,
Mr. Pond,
Mr. Renwick,
Mr. Seeley,
Mr. Smith,
Mr. Stout,

| | | | |
|--------------|-------------|--------------|----|
| Mr. Hammond, | Mr. Mead, | Mr. Tackels, | |
| Mr. Howland, | Mr. Newton, | Mr. Tucker, | 24 |

The question being on the adoption of the preamble, Mr. Adam moved to amend by striking out the word "fallacy" and inserting the word "truth."

Mr. Tucker moved to amend the proposed amendment by inserting the word "untruth."

Mr. Acker moved to strike out all after the word "whereas."

A division being called, the House was equally divided, and the Speaker gave the casting vote in the negative.

Mr. Gibbs moved to strike out the last clause thereof, and the motion prevailed.

Mr. Hammond moved to strike out "fallacy" and insert "truth," and strike out "is not" and insert "so long as it is," which did not prevail.

Mr. Acker moved to strike out the whole of the first clause; lost, as follows:

YEAS.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Hooker, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. King, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Levake, | |
| Mr. Chase, | Mr. Goodwin, | Mr. Shurts, | |
| Mr. Dort, | Mr. Grovier, | Mr. Smith, | |
| Mr. Durocher, | Mr. Hammond, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Howland, | | 20 |

NAYS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Acker, | Mr. Little, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Mack, | Mr. Repwick, | |
| Mr. L. Allen, | Mr. Meacham, | Mr. Saunders, | |
| Mr. Bacon, | Mr. Mead, | Mr. Seeley, | |
| Mr. Brown, | Mr. Newton, | Mr. Stout, | |
| Mr. Copeland, | Mr. Ormsby, | Mr. Tackels, | |
| Mr. Decker, | Mr. Patterson, | Mr. Tucker, | |
| Mr. Jennings, | | | 22 |

Mr. Hammond moved to strike out the word "five" and insert "one;" adopted by the following vote:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Newton, |
| Mr. A. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Poole, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ranwick, |
| Mr. Brown, | Mr. King, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. Mead, | Mr. Tucker, |
| Mr. Eaton, | | |

25

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Beaufail, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurtz, |
| Mr. Dort, | Mr. Levake, | Mr. Smith, |
| Mr. Durocher, | Mr. Mack, | Mr. Speaker, |
| Mr. Finney, | | |

19

Mr. Fitzgerald then moved to lay the preamble on the table, and the motion prevailed.

Mr. Fitzgerald then called up the "Bill to establish a State bank."

The same being under consideration, Mr. Goodwin proposed the following substitute for the 4th section, which was adopted :

"The said branches shall be mutually liable for each other's debts; and all suits for any liability of the said bank, or any of its branches, shall be brought against the State bank of Michigan."

Mr. Goodwin also moved to amend the 11th section, by striking out all after the words "in chancery," and inserting, "and if on the hearing, any violation is shown on the part of the officers of the State bank, they shall be forthwith removed, or so many as participated therein. If such violation be by a branch, its chartered rights shall be forfeited, and its affairs wound up, as in cases of insolvency, provided for in the 34th section of this act," which was adopted.

Also, so to amend the 13th section as to strike out "five," and insert three years as to the term of the president.

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Pond, |
| Mr. Adam, | Mr. Gibbs, | Mr. Seeley, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Brown, | Mr. Howland, | Mr. Smith, |
| Mr. Chase, | Mr. Jennings, | Mr. Speaker, |
| Mr. Davis, | Mr. Levake, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |

21

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Meacham, |
| Mr. Bacon, | Mr. Grovier, | Mr. McKee, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Newton, |
| Mr. Chapin, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Copeland, | Mr. King, | Mr. Patterson, |
| Mr. Decker, | Mr. Little, | Mr. Saunders, |
| Mr. Dort, | Mr. Mack, | Mr. Stout, |
| Mr. Finney, | | |

22

Mr. Goodwin then moved to strike out the whole of the 16th section, which motion did not prevail.

On motion of Mr. Pond, section 53 was so amended as to read "and timber standing thereon."

Mr. Dort moved the reconsideration of the question relative to the 18th section, and the yeas and nays being called, on a motion of Mr. Acker to strike out the word "five" and insert the word "three," the same was lost by the following vote:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Brown, | Mr. Jennings, | Mr. Shurts, |
| Mr. Chase, | Mr. Levake, | Mr. Smith, |
| Mr. Copeland, | Mr. Meacham, | Mr. Speaker, |
| Mr. Davis, | Mr. McKee, | |

20

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mead, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Newton, |
| Mr. Bacon, | Mr. Hammond, | Mr. Patterson, |

Mr. Chapin,
Mr. Decker,
Mr. Dort,
Mr. Durocher,
Mr. Finney,

Mr. Howland,
Mr. Hooker,
Mr. King,
Mr. Little,
Mr. Mack,

Mr. Saunders,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,

23

Mr. Chase moved to amend section 20 to read as follows :

"The president, directors and all other officers of said State bank and branches, shall take and subscribe, before entering on the duties of their respective offices, the following oath or affirmation :
"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of according to the best of my ability."

Mr. Smith moved to amend by striking out of the original section the words "so help me God," which was lost.

And the question being on Mr. Chase's motion the same prevailed.

Mr. Smith then amended the same section by adding, "and it shall be the duty of each and every officer of said bank, to communicate to the board of directors of the State bank any violation of the said charter, and in case of neglect or refusal, shall be deemed guilty of perjury," preceding the words "which oath," &c.

On motion of Mr. Chapin,

Section 21 was so amended as to read in the first line "five," in place of "four," and the words "with the president," same line, were erased, and the word "and" inserted in lieu of the word "but," in the second line.

On motion of Mr. Goodwin,

Section 41 was so amended as to strike out all the words after "State," in the last clause of the section.

Mr. Goodwin also moved to strike out the last clause of section 67, and the yeas and nays being called, the motion was non-concurred in, as follows :

YEAS.

Mr. Goodwin,

Mr. Speaker,

2

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. L. Allen, | Mr. Gibba, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Pond, |
| Mr. Brown, | Mr. Howland, | Mr. Renwick, |
| Mr. Chapin, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, |
| Mr. Copeland, | Mr. King, | Mr. Shurts, |
| Mr. Davis, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, |

42

Mr. Pond moved to strike out the 48th section, which motion was lost.

On motion of Mr. Goodwin,

Section 83, by striking out in 3d line "in payment," and inserting "to pay."

On motion of Mr. Adam,

The same section was amended by striking out "all the members elected to."

Mr. Pond offered the following as an additional section, which was adopted :

Sec. 89. That the grand jurors of the several counties of this State at the several terms of the circuit courts to be held in their respective counties, shall make strict inquiry, and present every person who may be by them found to have committed any act herein declared criminal, and it shall further be the duty of the presiding judge at any of the circuit courts aforesaid, to give this act specially in charge to the grand jurors.

On motion of Mr. Goodwin, the following was adopted as

Sec. 88. Whenever the State directors shall be removed from office, as provided in the eleventh section of this act, the Governor, for the time being, shall forthwith appoint others to hold their office until their places are supplied by others appointed by the Legislature.

The bill was then ordered to a third reading, and being read a third time, **passed**, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. McKee, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |
| Mr. Brown, | Mr. Hammond, | Mr. Renwick, |
| Mr. Chapin, | Mr. Howland, | Mr. Saunders, |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, |
| Mr. Copeland, | Mr. King, | Mr. Shurts, |
| Mr. Davis, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tackels, |
| Mr. Eaton, | Mr. Mead, | Mr. Tucker, |

42

NAYS.

| | | |
|---------------|---------------|---|
| Mr. L. Allen, | Mr. Jennings, | 2 |
|---------------|---------------|---|

The question being on the title of the bill, on motion of Mr. Adam, it was so amended as to read "State bank of Michigan."

On motion of Mr. Chapin,

The House adjourned.

TUESDAY, MARCH 12.

The House met pursuant to adjournment, and on calling the roll, there were absent, Messrs. Clark, Eaton, Gibbs, Lowry, Saunders and Wixom; Mr. Livermore, on leave.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. Sheldon asked for and obtained leave of absence for Mr. Eaton, until to-morrow.

Mr. Dort for Mr. Saunders, until Thursday.

On motion of Mr. Patterson,

The special committee to investigate the affairs of the State Prison, were discharged from further consideration of the subject.

PETITIONS.

By Mr. Fitzgerald. Of John F. Porter and others, for an appropriation upon the western end of the central railroad; referred to committee on internal improvement.

By Mr. Little. Of 113 ladies and 105 gentlemen of the town of Grand Blanc, for such legislative action as will prevent the sale of ardent spirits; referred to the select committee on that subject.

Mr. Goodwin offered the following

PROTEST:

Whereas, the House of Representatives of the State of Michigan, on the 11th day of March, 1889, adopted the following provision in the bill to establish "the State bank of Michigan," namely: "The State reserves the right of making provision hereafter for the investment of the proceeds of the sales of university and school lands, or of any other funds that belong to the State, as so much additional capital, and to withdraw the same or any part thereof, under the direction of the board of fund commissioners," and whereas this provision clearly implies that a corporation without such a reservation, would so far control the action of the government that it could not, however much the public good might require it, add to the capital stock of said corporation; a position unfounded in truth, unsupported by constitutional law,

and entirely opposed to the spirit and genius of our government :

And whereas, this provision clearly recognizes the right of the State to make the university and school funds "additional capital" in a moneyed corporation, and as such capital, subject to all the fluctuations of banking, and alike subject to the chances of loss and gain, as other stock ; and whereas the university and school funds are clearly trust estates, intended for permanent investment at a uniform and stated income, in no way dependant upon the fluctuations of mercantile, banking, or other business, I therefore, for the foregoing reasons, protest against the decision of the House of Representatives in adopting said provision in a bank charter. I protest against it as impolitic, unconstitutional, unwise and pernicious, in all its bearings and all its features.

J. GOODWIN.

REPORTS.

Mr. Renwick, from the committee on roads and bridges, reported back to the House the "Bill appointing commissioners to lay out and establish a certain State road," with an amendment, and the same was placed upon the general order.

Mr. Ormsby, from the committee on towns and counties, reported back the "Bill to incorporate the Portage turnpike and bridge company," with amendments, and it was placed upon the general order.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred the petition of the "directors of the River Raisin and Grand River railroad company, and of the Bank of Tecumseh," reported that it was not expedient at this time to make any alteration in the charter of said company, and the committee were discharged from the further consideration thereof.

Mr. Mack, from the committee on ways and means, reported back to the House the claim of the Michigan State bank, for moneys paid to the committee of investigation of the Bank of Michigan, of 1838 ; and also the claim of the Attorney General for expenditures, which were severally referred, on his motion, to the committee on claims.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, March 11, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit herewith to the House of Representatives the "Bill to organize the county of Barry," and also "An act to repeal an act in relation to supervisors," approved April 6, 1838, which have severally passed the Senate, and the concurrence of the House is respectfully asked therein.

I am also instructed to return to the House the "Bill to regulate township elections in newly organized townships," and respectfully inform you that the same has been concurred in by the Senate.

Also, "A bill to amend title two, of part third, Revised Statutes," and the "Bill to organize the county of Clinton," which have passed the Senate with amendments thereto attached.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the "Bill to organize the county of Barry," was amended, and on motion of Mr. Stout, the same was read a third time and passed.

The bill entitled "An act to repeal an act in relation to supervisors, approved April 6, 1838," was referred to the committee on the judiciary.

The "Bill to regulate township elections in newly organized townships," was ordered to be enrolled.

The "Bill to amend title 2 of part three, Revised Statutes," being under consideration, the House non-concurred in the amendment to the 6th section, by the following vote :

YEAS.

Mr. King,

1

NAYS.

Mr. Acker,
 Mr. Adam,
 Mr. A. Allen,
 Mr. L. Allen,
 Mr. Axford,
 Mr. Bacon,

Mr. Finney,
 Mr. Fitzgerald,
 Mr. Gibbs,
 Mr. Goodwin,
 Mr. Grovier,
 Mr. Hammond,

Mr. Newton,
 Mr. Ormsby,
 Mr. Patterson,
 Mr. Pierce,
 Mr. Pond,
 Mr. Renwick,

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|---------------|---------------|--------------|
| Mr. Beaufait, | Mr. Howland, | Mr. Seeley, |
| Mr. Brown, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Jennings, | Mr. Shurtz, |
| Mr. Chase, | Mr. Levake, | Mr. Smith, |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, |
| Mr. Decker, | Mr. Meacham, | Mr. Stout, |
| Mr. Dort, | Mr. Mead, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Tucker, |

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And also non-concurred in the amendment of the Senate, striking out section 7.

And on motion of Mr. Gibbs,

A committee of conference was appointed thereupon, consisting of Messrs. Gibbs, Adam and Acker.

The "Bill to organize the county of Clinton," being taken up, on motion of Mr. McKee, the amendments thereto were concurred in and the bill ordered to be enrolled.

On motion of Mr. Finney,

His joint resolution laying upon the table, in relation to a locomotive for the use of persons engaged in the conveyance and transportation of freight, &c., was taken up in committee of the whole, Mr. A. Allen in the chair, amended, reported back to the House, and laid upon the table.

Mr. McKee called up the "Bill to organize certain townships, and for other purposes," and the same was read a third time and passed.

The Speaker announced a communication from the President of the board of internal improvement, which was referred to the committee on internal improvement.

On motion of Mr. Adam,

The bill from the Senate, to "abolish imprisonment for debt," and the supplement thereto, were taken up in committee of the whole, Mr. Chapin in the chair.

After some time spent thereon the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Adam.

The House adjourned until half-past two o'clock.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The House met pursuant to adjournment, and the roll being called, the members were present the same as in the forenoon session.

On motion of Mr. Mack,

The House then resolved itself into committee of the whole, on the "Bill relative to trunks, baggage, and other unclaimed personal property," Mr. Chase in the chair.

After some time spent thereon, the committee rose and reported the bill with amendments.

On motion of Mr. Smith,

The committee rose and reported the bill back to the House with sundry amendments, which were concurred in by the House, and the same being under consideration,

On motion of Mr. McKee,

The blank in the fourth line of the seventh section was filled with one hundred, which motion was sustained and the blank so filled.

Mr. Smith then moved to amend in the 3d line of the same section by striking out the word "dollars" and introducing "cents."

Mr. Chapin moved to amend the motion by inserting five dollars, which amendment was sustained, and the bill so amended.

Mr. Goodwin moved to amend the sixth section, by inserting the words, "and said printer shall be paid out of the net proceeds of said goods," at the end of said section, which was adopted.

Mr. Acker moved to amend by striking out the word "ten" in the second line of the fourth section and insert "six," which motion was lost.

On motion of Mr. Mack,

The rule was suspended that requires the second and third reading to be on different days, and the bill read, a third time and passed.

Mr. Finney, in pursuance of leave, introduced a "Bill to legalize elections in Ottawa county," which was referred to the committee on the judiciary.

Mr. Finney laid the following joint resolution upon the table:

Whereas, it appears that Sir John Harvey, acting Governor of New Brunswick, assuming to act under authority of her Britan-

nic Majesty's government, has claimed the right of exclusive jurisdiction over a tract of territory heretofore claimed by the two governments of Great Britain and the United States : and whereas one of the citizens of republican America has been imprisoned with the consent and approbation of said provincial governor, in violation of national law and the articles of agreement between the two governments, in their attempts to effect an amicable settlement of the disputed line ; and whereas, such assumption of power has involved the national honor of the states, and called upon the chivalrous spirit of our government to protect and maintain the rights, the property, and the lives of American freemen ; and whereas his excellency the Governor of Maine has met the invader with a spirit worthy of applause, and characteristic of the bold and undaunted sons of the "Star of the East ;" and whereas, it becomes the duty of each member of the sisterhood of states to guard alike the welfare of each and to protect the mutual rights of all, united in the bonds of common interest, and protected by the combined strength of union ; and whereas, the Executive of Maine has called upon the military power of the State to defend the rights of injured citizens, and protect the public domain from usurpation, it becomes the duty of Michigan, as a sister State, to respond to the call upon justice, and to express, not only sentiments of approbation, but to pledge herself in support of State rights and national honor ; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That this State will sustain the measures adopted by his excellency, the Governor of Maine, to protect the public domain from invasion, and the rights of the state over which he presides as chief magistrate, from usurpation and national insult.

Mr. Ormsby moved to reconsider the vote of this morning discharging the select committee of investigation on the accounts of the State prison Commissioner.

Said vote being re-considered, Mr. Smith, the mover, withdrew his motion of this morning.

Mr. McKee, in pursuance of leave, introduced the following bills, which were referred to the committee on the judiciary :

"A bill to provide for the disposition of prisoners apprehended in the county of Shiawassee."

Also, the petition of S. M. Green and others, of said county, for the passage of said bill ; referred to the same committee.

On motion of Mr. Finney,

The House went into committee of the whole, Mr. Decker in the chair, on the " Bill in relation to certain duties and powers of the Commissioners of internal improvements, and for other purposes."

After spending some time thereon, the committee, on motion of Mr. Acker, rose, reported the bill back to the House, and asked leave to sit again, which leave was granted by the House.

On motion of Mr. L. Allen,

The "Bill to legalize the election of school inspectors elected for the year 1887," was taken up and ordered to a third reading and passed.

On motion of Mr. Gibbs,

The House adjourned.

WEDNESDAY, MARCH 13.

The House met pursuant to adjournment, and on calling the roll, Mr. Mack was absent, and Messrs. Livermore and Saunders on leave.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and approved.

ABSENCE.

Mr. Speaker asked for and obtained leave of absence for Mr. Mack till to-morrow.

Mr. Patterson, for committee to investigate the affairs of the acting Commissioner on the State prison, till Monday.

PETITIONS.

By Mr. Clark. The remonstrance of the commissioners of Oakland county against any alteration of the boundary line of said county ; referred to the select committee on that subject.

By Mr. Meacham. Of Miron Strong and others, of Ontwa, Cass county, for a repeal of the license law ; referred to the select committee on that subject.

By Mr. Gibbs. Of two hundred and five citizens of Marshall, against the incorporation of the Michigan college ; referred to the committee on education.

By Mr. Renwick. Of citizens of the county of Shiawassee, for the establishing of the county seat of said county at the village of Shiawassee, for temporary purposes ; referred to the committee on towns and counties.

By Mr. Mead. Of seventy citizens of Ypsilanti, against making real and personal estate a legal tender for the payment of debts ; referred to the committee on the judiciary.

By Mr. Copeland. Of the acting commissioner on the State prison, relative to fees of sheriffs for conveying convicts ; referred to the committee on the judiciary.

By the Speaker. A communication from the State Treasurer relative to rent of offices ; referred to the committee on claims.

REPORTS.

Mr. Patterson, from the committee on agriculture, to whom the bill was recommitted for "the promotion of agriculture," reported the same back to the House without amendment, which bill was laid upon the table.

Mr. Gibbs, from the judiciary committee, reported "A bill to legalize the election in the county of Ottawa;" referred to the committee of the whole and ordered to be printed.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to regulate township elections in newly organized townships."

And "An act to organize the county of Clinton."

The Speaker announced the following messages from the Executive:

EXECUTIVE DEPARTMENT, }
March 12, 1839.

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State,

"An act to organize the county of Clinton."

"An act to regulate township elections in newly organized townships."

S. T. MASON,

The following messages were received from the Senate:

SENATE CHAMBER, }
Detroit, March 12, 1839.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House of Representatives the "Bill to authorize the county of Lenawee to borrow a certain sum of money," and respectfully inform you that the Senate have concurred therein.

I am also instructed to transmit to the House of Representatives the "Bill to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

SENATE CHAMBER, }
Detroit, March 12, 1839.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House of

Representatives the "Bill making appropriations to John S. Bagg, State Printer, &c.," and respectfully inform you that the same has passed the Senate, with amendments.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

RESOLUTIONS.

On motion of Mr. Patterson,

Resolved, That the committee authorized to investigate the acts of the commissioners of the State prison, be authorized to appoint some person or persons to serve subpoenas and to execute the orders of the committee during the investigation, and that the chairman of the committee be authorized to administer oaths.

On motion of Mr. Chase,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of the passage of a general law for the organization of townships.

On motion of Mr. Smith, from the committee on militia,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized to organize such independent volunteer corps from the half breeds and Indians, as he may deem proper, and commission them according to the laws now in force.

On motion of Mr. Renwick,

Resolved, That the judiciary committee be instructed to inquire into the expediency of legalizing the proceedings of the supervisors of Washtenaw county, so far as regards an arrangement made with the heirs of Elisha W. Rumsey, deceased, for the division and conveyance of the jail square in said county, secured to said county for certain purposes by said Elisha W. Rumsey, deceased, and to provide for enabling the county commissioners to obtain a division of said square according to the provisions of a certain contract entered into with the heirs of said E. W. Rumsey, for the mutual benefit of the county and said heirs aforesaid; and further, to enable the county commissioners to sell or dispose of the interest of the county in said square, in such manner as may best conduce to the interest of said county.

On motion of Mr. Renwick,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of providing by law that the payment of the interest of all loans of money made by the Superintendent of Public Instruction, to counties, be made payable on the first day of March annually.

Mr. Chapin laid the following preamble and resolution on the table :

Whereas, the militia of this State are undisciplined and know not their duty, and will remain so, so long as the commissioned officers generally know as little of their duty as the soldiers ; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Adjutant General be and he is hereby required to procure one thousand copies of a work entitled "Tactics and regulations for the militia," prepared by brevet Captain S. Cooper, under the supervision of Major General Macomb, or some other small volume of the kind, equally approved, which he is required to distribute to the commandants of the several regiments in the State, for the commissioned officers, according to the number of companies in each. Also,

Resolved, That the State Treasurer be and he is hereby required to pay to the Adjutant General an amount of money sufficient to pay for the books purchased as above named, provided the sum shall not exceed one thousand dollars.

On motion of Mr. Smith,

The "Bill making appropriations to John S. Bagg, State Printer," was taken up.

Mr. Acker moved that the documents accompanying the bill, as transmitted from the Senate, be read.

Mr. Smith moved to lay the bill and papers on the table; and order the documents to be printed.

Mr. Chapin moved to amend, by referring the same to the committee on ways and means.

Mr. Copeland moved to amend the amendment, by referring to the committee on printing, which amendment was accepted, and the bill and documents so referred, by a vote of twenty-four to twenty.

On motion of Mr. Fitzgerald,

Two additional members were added to the committee on printing.

On motion of Mr. Smith,

The "Bill to alter the limits of the corporation of the village of Tecumseh," was taken up in committee of the whole, Mr. Davis in the chair. After spending some time thereon, the committee reported the same back to the House without amendment, when the bill passed by a vote of two-thirds.

Mr. Little called up the "Bill to incorporate the Genesee and Saginaw navigation company," upon which bill the House went into committee of the whole, Mr. Hammond in the chair. The committee, after spending some time thereon, rose and reported the same back to the House without amendment.

Mr. Goodwin moved to amend the bill by striking out the third section. The same being under consideration,

On motion of Mr. Tucker,

The bill was laid upon the table.

On motion of Mr. Seeley,

The House went into committee of the whole on the "Bill to provide for the removal of the county seat of Hillsdale county," Mr. Goodwin in the chair. After some time spent thereon, the committee rose, reported the bill back to the House, and asked and obtained leave to sit again.

On motion of Mr. Hammond,

The resolution requiring that the House should meet at half past two o'clock in the afternoon was suspended for the present week.

On motion of Mr. Finney,

The House adjourned.

THURSDAY, MARCH 14.

The House met pursuant to adjournment, and on calling the roll, Messrs. A. Allen, Saunders and Shurts were absent, on leave. Messrs. Levake, Meacham and Newton absent.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Lowry. Of the collector of the townships of York, Saline and Northfield, for relief on account of having received for taxes Ypsilanti money in payment of taxes; referred to the select committee on that subject.

Messrs. Meacham, Newton, Saunders and Levake, appeared and took their seats.

REPORTS.

Mr. Adam, from the committee on education, reported "A bill to provide for the apportionment of a fine assessed in Berrien county among the several school districts in said county;" referred to committee of the whole and ordered to be printed.

Mr. Fitzgerald, from the select committee to whom was referred the memorial of Robert Hilton for release of a quarter section of land selected by the State agent for salt spring lands, laid upon the table the following report, and leave was granted the petitioner to withdraw the same:

Mr. Speaker,

The select committee to whom was referred the petition of Robert Hilton, with an accompanying memorial of sundry citizens of Kent county in his behalf, report:

That it appears from satisfactory testimony, that said Hilton, with his family, settled upon the north west quarter of section four, in town six north, in range 12 west, with the intention of purchasing the same from the United States, at \$1 25 cents per acre, whenever it should come into market; that he expended upwards of three thousand dollars, being nearly all he possessed, in making improvements thereon; that he cleared, improved and cultivated about seventy-five acres, erected a log-house, a framed barn, and other out buildings, together with about three miles of good rail fence, and that he would have been entitled to said land

at the price aforesaid, under the late pre-emption law of Congress, had not the State interfered and deprived him of that right, by locating his land with all its improvements aforesaid, towards making up the quantity of land which the State was authorized to select for salt spring purposes.

It appears also, that at the time of said location, and up to the present time, there were other lands belonging to the United States, of equal value, unoccupied and unimproved, which might, and should, have been selected.

The petitioner, relying upon the above facts, and the justice of his cause, has appealed to the Legislature for redress, and requests that the State may relinquish its claim, and select other lands in lieu thereof, that he may be permitted to enjoy the product of his labor, and the right of pre-emption, so long recognized by Congress, and already extended to thousands no better entitled to its benefits than himself.

Your committee are of opinion, that the petitioner, in common with others who are similarly situated, and who have claims equally strong upon the justice and magnanimity of the Legislature and people of Michigan, was induced to settle upon vacant lands belonging to the United States by the uniform policy of the government for many years past, in granting pre-emption to actual settlers. It could not have been foreseen or expected that the State, having the right to select a few sections of unsold land, for certain purposes, would wait year after year, watching the progress of the improvements making by actual settlers, and then seize upon them, regardless of the ruin it would bring upon those who had toiled and struggled with poverty and privation in the wilderness, with the fond hope of procuring by honest industry a comfortable support for their families.

The protection of the citizens in the free and full enjoyment of the proceeds of his labor, and of all his equitable rights, rather than to rob him of those rights, should be the policy, as it is the duty, of our State government.

The State committed an outrage upon the actual settler, by locating his improvements and depriving him of the right of pre-emption, and nothing short of a relinquishment of all such locations, or a sale at Congress price, will restore the settler's rights,

or afford him adequate redress. Your committee are of opinion that the bill which lately passed this House for the relief of certain settlers, will embrace the case of Mr. Hilton, and if it become a law, will afford him the desired relief.

Before concluding this report, your committee would respectfully add their conviction that public justice, though sometimes slow, is generally certain, and that a virtuous and generous community will, through their Legislature, protect the hardy and industrious pioneer in the enjoyment of the rights and privileges to which he is fairly entitled. They, therefore, ask to be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his petition.

THOMAS FITZGERALD,

Chairman.

March 14, 1839.

RESOLUTIONS.

On motion of Mr. Grovier,

Resolved, That the judiciary committee be requested to examine, without any delay, the law or laws now in force for the punishment of crimes : and more particularly the crimes relating to frauds committed on individuals, communities, and the public, under the supposed protection of our banking system, as it was, and now is ; and to report to this Legislature, by bill or otherwise, what remedy, law, or laws are necessary to be passed this session for the punishment of the crimes of fraud, swindling, wrong and illegal transactions, of whatever name they may be, and to protect the inhabitants of this State from their repetition.

On motion of Mr. Gibbs,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of enacting a law authorizing the board of internal improvement to make extra allowances to contractors, whenever in the opinion of said board it shall be just and proper, and that the committee report by bill or otherwise.

Mr. Acker then offered the following resolution, which was amended and adopted, as by the yeas and nays appended :

Resolved, That the Speaker of the House of Representatives

be and he is hereby instructed to issue his process for the apprehension of Stephen B. Brophy, to bring him forthwith before the House to answer for an alleged contempt to a committee of the House.

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Meacham, |
| Mr. Adam, | Mr. Finney, | Mr. Mead, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Axford, | Mr. Gibbs, | Mr. Newton, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pierce, |
| Mr. Brown, | Mr. Hammond, | Mr. Renwick, |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, |
| Mr. Chase, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Clark, | Mr. Jennings, | Mr. Smith, |
| Mr. Copeland, | Mr. King, | Mr. Speaker, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |
| Mr. Decker, | Mr. Little, | Mr. Tackels, |
| Mr. Dort, | Mr. Livermore, | Mr. Tucker, |
| Mr. Durocher, | Mr. Mack, | |

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NAYS.

| | | |
|----------------|-----------|------------|
| Mr. McKee, | Mr. Pond, | Mr. Wixom, |
| Mr. Patterson, | | |

4

On motion of Mr. Renwick,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for fixing the compensation of county treasurers for collecting and disbursing the public money which may pass through their hands, so far as the same may be practicable. Also to provide by law for fixing the compensation of township collectors for collecting the taxes assessed upon the respective townships.

On motion of Mr. Adam,

Resolved, That all bills which shall have passed the Senate, and been reported back by a standing committee of the House, and committed to committee of the whole, shall have precedence over other bills in the general orders of the day.

Mr. Adam, pursuant to leave, introduced "A bill relative to certain State annual reports;" referred to the committee on ways and means.

The Speaker announced that the Sergeant-at-Arms had the person of Stephen B. Brophy at the bar of the House; and,

On motion of Mr. Goodwin,

The House went into consideration of the resolution offered by Mr. Acker.

On motion of Mr. Acker, amended by Mr. Smith,

Resolved, That the chairman of the select committee to inquire into the affairs of the board of internal improvement, be requested to furnish the Speaker with a copy of the question that S. B. Brophy refused to answer, and that said Brophy be heard by counsel, or otherwise, in his defence.

Mr. Wixom moved to lay the subject upon the table till tomorrow.

Mr. Acker moved that the respondent should show cause why he should not be committed for a contempt of this House.

Mr. Goodwin moved that the following questions should be asked the respondent, which was adopted:

Before the committee of this House did you refuse to answer the following question? If yea, why did you refuse to answer such question?

Mr. Tucker laid upon the Speaker's table the following statement:

I, True P. Tucker, chairman of the committee of investigation of the affairs of the board of internal improvement, propounded the following question to Stephen B. Brophy, duly subpoenaed before said committee, which he, said Brophy, refused to answer.

Have you ever been directly or indirectly interested in any of the contracts on any of the southern railroads? If so, state how far your interest has been concerned, and with whom connected.

The Speaker then announced to the respondent the cause for which he was arraigned, and asked the questions propounded by Mr. Goodwin.

The respondent, in answer, said that he did not refuse to answer the whole question propounded to him by the committee—

that he did not intend to commit a contempt—supposed part of the question irrelevant.

Mr. Finney moved that the respondent be discharged.

Mr. Adam then proposed that the following question be asked respondent, which was not concurred in by the House :

Question.—Were you in the pay of the State at the time the proposition to take an interest in a contract on the southern railroad was made to you, and in what capacity were you drawing pay from the State ?

Mr. McKee offered the following as an amendment to the above, which was lost :

Resolved, That the question propounded to S. B. Brophy by the chairman of the committee appointed to examine into the affairs and general accounts of the board of internal improvement, was not a proper question, and therefore it is the sense of this House that the said S. B. Brophy has not been guilty of a contempt by refusing to answer said question.

Which amendment was lost.

Mr. Eaton, of Wayne, offered the following, which was lost :

Resolved, That S. B. Brophy be brought to the bar and the charges preferred against him be read to him by the Speaker of the House, and he be asked whether he is guilty or not.

On motion of Mr. Adam, the following question was then propounded to the respondent :

“Did you, before the committee, answer yes or no to the question whether you had ever been directly or indirectly interested in any contract on the southern railroad ?”

To which the respondent answered “No.”

Mr. Chapin moved that the committee of investigation, before whom the respondent was called to testify, be sworn to answer as to the correctness of the statements made by the chairman of that committee.

Mr. Smith moved that the House adjourn, and the yeas and nays being called, the motion was lost, by the following vote :

YEAS.

Mr. Beaufait,
Mr. Chase,
Mr. Clark,

Mr. Eaton,
Mr. Grovier,
Mr. King,

Mr. Near,
Mr. Ormsby,
Mr. Saunders,

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| Mr. Copeland, | Mr. Levake, | Mr. Sheldon, |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. Mead, | Mr. Wixom, |
| Mr. Durocher, | | 22 |

NAYS.

| | | |
|-----------------|---------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. McKee, |
| Mr. Adam, | Mr. Goodwin, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Patterson, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. Lowry, | Mr. Speaker, |
| Mr. Finney, | Mr. Little, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Meacham, | 26 |

Mr. McKee moved to adjourn to half past two P. M., and the yeas and nays being called, the motion was lost, by the following vote:

YEAS.

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|-------------|------------|-------------|
| Mr. Finney, | Mr. McKee, | Mr. Seeley, |
|-------------|------------|-------------|

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Newton, |
| Mr. Axford, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Pierce, |
| Mr. Brown, | Mr. Howland, | Mr. Pond, |
| Mr. Chapin, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chase, | Mr. Jennings, | Mr. Saunders, |
| Mr. Clark, | Mr. King, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Lowry, | Mr. Smith, |
| Mr. Davis, | Mr. Little, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Meacham, | Mr. Wixom, |
| | | 45 |

Mr. Renwick offered the following resolution:

Resolved, That it is the sense of this House that Stephen B. Brophy is guilty of a contempt to this House in refusing to answer the interrogatories put by a committee of this House.

Mr. Acker proposed the following as a substitute:

Resolved, That the prisoner be ordered by this House to answer the question propounded by the committee, and in case of continued refusal that the committee report to this House.

Mr. McKee moved to lay the subject on the table.

Mr. Wixom moved an adjournment, which was lost, by the following vote:

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Chase, | Mr. Eaton, | Mr. Seeley, |
| Mr. Clark, | Mr. Grovier, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Saunders, | Mr. Wixom, |
| Mr. Durocher, | | |

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NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Mead, |
| Mr. Adam, | Mr. Gibbs, | Mr. McKee, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Near, |
| Mr. Axford, | Mr. Hammond, | Mr. Newton, |
| Mr. Bacon, | Mr. Howland, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Patterson, |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, |
| Mr. Chapin, | Mr. Lowry, | Mr. Pond, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Sheldon, |
| Mr. Finney, | Mr. Meacham, | Mr. Tucker, |

30

On motion of Mr. Hammond,

The subject was laid upon the table.

Mr. Eaton then moved that the defendant be discharged from the custody of the Sergeant-at-Arms, which was lost, by the following vote:

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Durocher, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Eaton, | Mr. Livermore, | Mr. Pond, |

| | | | |
|-------------|------------|--------------|----|
| Mr. Finney, | Mr. Mack, | Mr. Tackels, | |
| Mr. Gibbs, | Mr. McKee, | Mr. Wixom, | 12 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Acker, | Mr. Decker, | Mr. Near, | |
| Mr. Adam, | Mr. Dort, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Ormeby, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Hammond, | Mr. Renwick, | |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Chase, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Little, | Mr. Smith, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Davis, | Mr. Mead, | | 32 |

Messrs. Axford, Jennings and Tucker, being excused from voting.

The Speaker announced Messrs. Adam and Hammond as the additional members to the committee on printing.

On motion of Mr. Smith,

The House adjourned.

FRIDAY, MARCH 15.

The House met pursuant to adjournment, and on calling the roll, Messrs. A. Allen and Shurts were absent, pursuant to leave, on committee of investigation.

Prayer by the Rev. Mr. Comstock.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Finney. Of the commissioners of Kent county, that returns of highway taxes may be legalized if made before the first of April next; referred to the committee on the judiciary.

Also, the petition of said commissioners that certain State taxes for the years 1836 and 1837, be relinquished; referred to the same committee.

By Mr. Hammond. Of sundry citizens, for the loan of the credit of the State for the construction of a canal, by the Gibraltar and Flat Rock company, from Gibraltar to Ypsilanti; referred to the committee on banks and incorporations.

By Mr. Newton. Of 27 males and 12 females of the county of Van Buren, for the passage of a law securing to every human being of this State the right of trial by jury; referred to the committee on the judiciary.

By Mr. Gibbs. Of 190 citizens of Calhoun county, for the incorporation of the Michigan college; referred to the committee on education.

By Mr. Smith. Of D. Latimer and 88 other citizens, against making real estate a legal tender, or available in the payment of debts, otherwise than is provided for by the existing laws; referred to the committee on the judiciary.

By Mr. Levake. Claim of Elliot Gray, for timber furnished the State; referred to the committee on claims.

By Mr. Brown. Of John M. Wilson, for compensation as sheriff, in apprehending fugitives from justice; referred to the same committee.

REPORTS.

Mr. Mack, from the committee of ways and means, reported back to the House the "Bill to provide for the collection of cer-

tain taxes in the township of Monguagon," and asked its reference to the committee on the judiciary.

The bill was so referred.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
March 14, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the joint resolution for government of joint conventions, and respectfully inform you that the same has passed the Senate, with an amendment thereto attached.

Also, the joint preamble and resolution relating to procuring certain plats of U. S. surveys in this State, which has passed the Senate.

Also, the bill to amend title 2, part 3, of the Revised Statutes, and respectfully inform you that the Senate have refused to recede from their amendment to the same, and have appointed Messrs. Woodbridge, Kingsley and Bradford, a committee of conference thereon.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the House concurred in the amendment made by the Senate to the joint resolution relative to the appointing of a joint committee to report rules for the government of joint conventions of the two Houses, and both resolutions were ordered to be enrolled.

Mr. Adam called up the subject yesterday laid upon the table, relative to the alleged contempt offered the House by Stephen B. Brophy, in refusing to answer questions before a committee.

The gentleman arraigned requested that the consideration of the question to defend might be postponed until the arrival of his counsel.

The following message was announced from the Executive :

EXECUTIVE DEPARTMENT, }
March 15th, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act to legalize the election of school inspectors elected for the year 1837."

Also, "An act to organize the county of Barry."

S. T. MASON.

On motion of Mr. Adam,

The House went into committee of the whole on the bill to abolish imprisonment for debt, and to punish fraudulent debtors, Mr. Chapin in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House with sundry amendments, which were concurred in by the House.

The bill being under consideration, Mr. Goodwin moved to amend by adding to section one, the words "or for any other order, judgment or decree whatever, for the recovery of money," which, on the yeas and nays being called, was non-concurred in by the following vote:

YEAS.

| | | |
|-----------------|----------------|---------------|
| Mr. Chapin, | Mr. King, | Mr. Saunders, |
| Mr. Chase, | Mr. Levake, | Mr. Seeley, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Pond, | Mr. Wixom, |
| Mr. Goodwin, | | |

16

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Mead, |
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. L. Allen, | Mr. Finney, | Mr. Near, |
| Mr. Axford, | Mr. Grovier, | Mr. Newton, |
| Mr. Bacon, | Mr. Hammond, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Howland, | Mr. Renwick, |
| Mr. Brown, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Clark, | Mr. Lowry, | Mr. Smith, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Dort, | | |

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Mr. Goodwin further moved to amend the bill, as follows:

[Strike out section 2, and insert as follows:]

Sec. 2. If it shall appear on the trial of any proceedings for contempts to enforce civil remedies, or in actions for fines or penalties, or on promises to marry, or for moneys collected by any public officer, or for misconduct or neglect in office, or in any professional employment, that there was a fraudulent or criminal intent, on the part of the defendant, the court shall order the defendant to give bail, or commit him for trial, and the same proceedings shall be had therein in all respects as in other criminal cases.

Sec. 3. Any person convicted in pursuance of the foregoing section, may be sentenced to imprisonment not exceeding three years, at the discretion of the court.

And the yeas and nays being called for, the same was lost, by the following vote:

YEAS.

| | | | |
|-----------------|----------------|---------------|----|
| Mr. Chapin, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Chase, | Mr. King, | Mr. Saunders, | |
| Mr. Clark, | Mr. Levake, | Mr. Seeley, | |
| Mr. Fitzgerald, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Gibbs, | Mr. Mack, | Mr. Wixom, | 15 |

NAYS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. McKee, | |
| Mr. Adam, | Mr. Eaton, | Mr. Near, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Grovier, | Mr. Patterson, | |
| Mr. Axford, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Howland, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Lowry, | Mr. Smith, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, | |
| Mr. Decker, | Mr. Mead, | Mr. Tucker, | |
| Mr. Dort, | | | 34 |

Mr. Wixom moved to amend the bill, as follows:

"Or in case of his absence or inability, to the nearest justice of the peace or magistrate, having jurisdiction in the case," to come in after the word "warrant," in section 6, which was adopted.

Mr. Adam moved to amend as follows :

After "arrested," strike out "before the officer issuing such warrant," and insert "before an officer, as provided in the foregoing section," which was adopted.

And also, to strike out in section 28, line 7, "out of the treasury," and add to the end of the section, "for the printing and distribution of other laws."

On motion of Mr. Adam,

The rule was then suspended, the bill read a third time and passed, by the following vote, the yeas and nays being called for :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Meacham, |
| Mr. Adam, | Mr. Finney, | Mr. Mead, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Axford, | Mr. Gibbs, | Mr. Near, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Newton, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Ormsby, |
| Mr. Brown, | Mr. Hammond, | Mr. Pierce, |
| Mr. Chapin, | Mr. Howland, | Mr. Patterson, |
| Mr. Chase, | Mr. Hooker, | Mr. Pond, |
| Mr. Clark, | Mr. Jennings, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Little, | Mr. Tackels, |
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | | |

44

NAYS.

Mr. Levake,

1

On motion of Mr. Fitzgerald,

The "Bill supplementary to an act to abolish imprisonment for debt," was taken up.

Mr. Adam moved to amend section one, by striking out all after the word "persons" and insert "would be liable to imprisonment under the laws of this State," which was adopted.

Mr. Chase moved so to amend that the bill would take effect from and after its passage.

Mr. McKee moved to amend the amendment by striking out the second section, which was adopted.

On motion of Mr. Fitzgerald,

The rule was suspended, the bill read a third time and passed.

Mr. McKee moved that the title be so amended as to read as follows :

“ A bill supplementary to an act for abolishing imprisonment for debt, and punishing fraudulent debtors,” which was adopted.

Mr. McKee offered the following resolution, which was non-concurred in.

Whereas, “ A bill for the safe keeping and disbursing of public moneys,” with amendments, was re-committed on the 9th day of March inst., to the select committee who reported it :

And whereas, the wants of the contractors on the public works, and other persons in the employ of the State, imperiously demand immediate action in the premises ; therefore,

Resolved, That said committee be instructed to report to this House without delay.

On motion of Mr. Hammond,

The House then adjourned.

SATURDAY, MARCH 16.

The House met pursuant to adjournment, and on calling the roll, Messrs. A. Allen and Shurts were absent on committee of investigation in pursuance of leave, and Messrs. Eaton and Sheldon, absent.

Prayer by the Rev. Mr. Comstock.

Journal of yesterday was read and approved.

ABSENCE.

Mr. Dort asked and obtained leave of absence for Messrs. Eaton and Sheldon until Monday.

PETITIONS.

By Mr. Smith. Of seventy-two citizens of the State, against the passage of a bill making real estate available in payment of debts, except as is provided for by the laws now in force; referred to the committee on judiciary.

REPORTS.

Mr. Mack, from the majority of the committee of ways and means, reported back without amendment the bill to them referred, entitled "A bill to authorize the Auditor General to obtain money, &c.," and on motion of Mr. Pond, it was made the special order of the day.

Mr. Chase, from the minority of the same committee, reported adverse to the said bill, and on motion of Mr. Fitzgerald, the report was ordered printed.

Mr. Renwick, from the committee on roads and bridges, reported "A bill to lay out a State road from the village of Hillsdale to the town of Somerset;" referred to committee of the whole and ordered printed.

Also, "A bill to provide for the laying out a State road from Union city to Jonesville; same reference.

Mr. Ormsby, from the committee on towns and counties, reported adverse to the prayer of the petitioners as contained in the petition to them referred, asking that the county seat of Shiawassee county be established at the town of Shiawassee, for temporary purposes, and the committee were discharged from the further consideration of the same.

Mr. Gibbs, from the committee of conference on the disagree-

ment between the two Houses, on the bill from the Senate to amend title two, part three of the Revised Statutes, reported in favor of the House concurring in the amendment of the Senate to strike out section seven of said bill, and of the Senate concurring in the amendment of the House to section six.

Which said report was adopted, and the bill so amended; and the bill passed.

By the Speaker. Communication from James A. Armstrong, relative to certain sums of money advanced by the State Bank; referred to committee of ways and means.

The following communication was received from the Senate through their secretary:

SENATE CHAMBER, }
Detroit, March 15, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives, the bill to organize and divide certain townships, and respectfully inform you that the same has passed the Senate with amendments.

I am also instructed to transmit to the House the following joint resolutions, viz:

"A resolution to ascertain the number of the militia."

A resolution to authorize the Governor to fill vacancies in State militia.

Which have severally been adopted by the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of Senate.

The bill returned from the Senate with amendments being under consideration, the amendments were concurred in, and the same ordered to be enrolled; and the resolutions "to ascertain the number of militia," and "to authorize the Governor to fill vacancies in the State militia," were severally referred to the committee on militia.

Mr. Mack called up the subject before laid upon the table, relative to the alleged contempt offered the House in refusing to answer questions before a committee of the House.

name of the contractor who made the proposition alluded to, which this affiant respectfully declined answering. That with this exception, the affiant answered all questions put to him on his said examination before the committee.

That the affiant conceives that he has fully and satisfactorily answered the interrogatory reported to this Honorable House as not having been answered; and he positively disavows any intention or idea of committing a contempt of this Honorable House, or of said committee, or of being guilty of the least disrespect to either. Wherefore, and for other reasons to be urged by his counsel before this Honorable House, he prays to be discharged from custody.

STEPHEN B. BROPHY.

Sworn and subscribed at Detroit, this 16th day of March, A. D. 1839, before me.

HENRY N. WALKER,
Notary Public, W. C., M.

Mr. Renwick then withdrew his resolution, to which the one before the House was an amendment.

The Speaker, Mr. Bacon in the chair, then offered the following as an amendment to the motion of Mr. Finney, that being the question before the House.

Whereas, Stephen B. Brophy, now in the custody of the Sergeant-at-Arms of this House, for an alleged contempt in refusing to answer a committee of this House, in his affidavit presented to this House, satisfactorily answers the question propounded by the committee, and distinctly disclaims any intention of disrespect or contempt of this House or its committee; therefore,

Resolved, That said Stephen B. Brophy be discharged from custody.

The yeas and nays being called for on the adoption of the resolution, the same was adopted, as follows:

YEAS.

Mr. Adam,
Mr. Chapin,
Mr. Chase,
Mr. Clark,

Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,

Mr. McKee,
Mr. Patterson,
Mr. Pond,
Mr. Saunders,

Mr. Decker,
Mr. Dort,
Mr. Durocher,
Mr. Finney,

Mr. Hammond,
Mr. King,
Mr. Livermore,
Mr. Mack,

Mr. Seeley,
Mr. Speaker,
Mr. Wixom,

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NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Bacon,
Mr. Beaufait,
Mr. Brown,
Mr. Copeland,

Mr. Howland,
Mr. Hooker,
Mr. Lowry,
Mr. Little,
Mr. Meacham,
Mr. Mead,

Mr. Newton,
Mr. Ormsby,
Mr. Pierce,
Mr. Renwick,
Mr. Smith,
Mr. Stout,

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The members of the select committee to examine into the affairs and general accounts of the Commissioners, being excused from voting.

The question being on the adoption of the preamble, the same was rejected, by the following vote :

YEAS.

Mr. Adam,
Mr. L. Allen,
Mr. Beaufait,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Decker,

Mr. Dort,
Mr. Durocher,
Mr. Grovier,
Mr. Hammond,
Mr. Hooker,
Mr. King,

Mr. Livermore,
Mr. Mack,
Mr. Seeley,
Mr. Speaker,
Mr. Tackels,
Mr. Wixom,

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NAYS.

Mr. Acker,
Mr. A. Allen,
Mr. Bacon,
Mr. Brown,
Mr. Copeland,
Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,

Mr. Howland,
Mr. Lowry,
Mr. Little,
Mr. Meacham,
Mr. Mead,
Mr. McKee,
Mr. Newton,
Mr. Ormsby,

Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Renwick,
Mr. Saunders,
Mr. Smith,
Mr. Stout,
Mr. Tucker,

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The members of the said select committee being again excused from voting.

Mr. Acker then moved that he be discharged from further service on the said select committee, appointed to inquire into the

general accounts and affairs of the board of internal improvement.

The same being under consideration, Mr. McKee moved that the House adjourn, and on the yeas and nays being called, the motion was sustained, by the following vote :

YEAS.

| | | | |
|---------------|-----------------|---------------|-----------|
| Mr. Adam, | Mr. Finney, | Mr. Mack, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Saunders, | |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, | |
| Mr. Decker, | Mr. Hammond, | Mr. Speaker, | |
| Mr. Dort, | Mr. King, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Livermore, | | 20 |

NAYS.

| | | | |
|---------------|---------------|----------------|-----------|
| Mr. Acker, | Mr. Jennings, | Mr. Patterson, | |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Axford, | Mr. Little, | Mr. Renwick, | |
| Mr. Bacon, | Mr. Meacham, | Mr. Smith, | |
| Mr. Brown, | Mr. Mead, | Mr. Stout, | |
| Mr. Copeland, | Mr. Newton, | Mr. Tucker, | |
| Mr. Howland, | Mr. Ormsby, | Mr. Wixom, | |
| Mr. Hooker, | | | 22 |

MONDAY, MARCH 18.

The House met pursuant to adjournment, and the roll being called, Messrs. A. Allen and Shurts were absent on leave, and Messrs. Dort, Eaton, Levake and Newton, absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and corrected.

ABSENCE.

Mr. Sheldon asked and obtained leave of absence for Messrs. Dort and Eaton, until to-morrow.

PETITIONS.

By Mr. Howland. Of 36 inhabitants of the township of Hadley, Lapeer county, praying that the laws relating to highways and bridges may be printed in pamphlet form and distributed to the overseers of highways; referred to the committee on printing.

Also, of 50 inhabitants of the township of Hadley, county of Lapeer, praying for the repeal of the license law and the prohibition of the sale of ardent spirits; referred to the select committee on that subject.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled:

"A joint resolution relative to rules for joint conventions of the legislature," and

"A joint resolution relative to procuring certain maps of U. States surveys."

Mr. Renwick, from the committee on roads and bridges, reported "A bill to extend the time for laying out and establishing a State road, from Marshall and Allegan, which was laid upon the table.

Mr. Howland, from the select committee to whom was referred the resolution inquiring into the expediency of abolishing certain offices, made a report upon that subject, which was laid upon the table and ordered to be printed.

Mr. Ormsby, from the committee on towns and counties, reported "A bill to organize certain townships, and for other purposes," which was laid upon the table and ordered to be printed.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
March 18, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

“ A joint resolution relative to procuring maps of certain United States surveys.”

S. T. MASON.

Mr. Dort appeared and took his seat.

Mr. Smith, from the committee on militia, to whom the resolutions of yesterday from the Senate were referred, reported the same back to the House ; and the “ Joint resolution to ascertain the numbers of the militia,” so amended as to strike out the word “ commissioners,” and insert “ clerk,” was concurred in, and the resolution adopted.

The “ joint resolution to authorize the Governor to fill vacancies in the State militia,” being under consideration, the following proceedings were had thereupon :

Mr. Howland moved to amend the resolution by adding thereto “ provided that all regimental officers shall be commissioned by the Governor on the nomination of the Colonels of their respective regiments.”

Mr. Renwick proposed an amendment to the amendment, “ provided the officers appointed by the Governor shall hold their offices until their places are filled with officers appointed agreeable to the law, as it now exists,” and the yeas and nays being called thereon, the same was lost by the following vote :

YEAS.

| | | | |
|---------------|--------------|----------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Lowry, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Little, | Mr. Patterson, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Pierce, | |
| Mr. Davis, | Mr. McKee, | Mr. Renwick, | |
| Mr. Howland, | Mr. Near, | Mr. Tucker, | 18 |

NAYS.

| | | |
|-----------|-----------------|-----------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mead, |
|-----------|-----------------|-----------|

| | | |
|---------------|----------------|--------------|
| Mr. Bacon, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Brown, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Hammond, | Mr. Smith, |
| Mr. Chase, | Mr. Jennings, | Mr. Speaker, |
| Mr. Clark, | Mr. King, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |
| Mr. Finney, | | |

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Mr. Ormsby then moved to amend the same by inserting "now" after "may," and before "exist," which motion prevailed, but was afterwards re-considered, on motion of Mr. Smith, and the vote being again taken, was non-concurred in.

The question on the amendment proposed by Mr. Howland, being taken, the same was lost.

The question then being on the final passage of the resolution by yeas and nays, the same was adopted, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Axford, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Chapin, | Mr. Grovier, | Mr. Pond, |
| Mr. Chase, | Mr. Hammond, | Mr. Seeley, |
| Mr. Clark, | Mr. Howland, | Mr. Sheldon, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Tackels, |
| Mr. Finney, | Mr. Meacham, | Mr. Wixom, |

33

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. Lowry, | Mr. Pierce, |
| Mr. Brown, | Mr. Mead, | Mr. Tucker, |
| Mr. Davis, | | |

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RESOLUTIONS.

On motion of Mr. Lowry,

Resolved, That the committee on the judiciary be instructed to

inquire into the expediency of amending part first, title five, chapter two, of the Revised Statutes, by striking out the fifth clause of tenth section, and report by bill or otherwise.

On motion of Mr. Adam,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of encouraging, by legislative enactments, the culture or manufacture of silk, and what provision, if any, ought in their opinion to be made by law, for the dissemination of practical information throughout the State, relative to the growth of the mulberry and the management of the silk worm, with leave to report by bill or otherwise.

Mr. Chase offered the following resolution, which, on motion of Mr. Hammond, was laid upon the table :

Whereas, past experience has proved that it is unsafe for State governments as well as the general government, longer to continue the practice of depositing the public money for safe-keeping with banks ; therefore,

Be it Resolved, That the judiciary committee be instructed to bring in a bill for the safe keeping and disbursement of the public moneys belonging to this State, without depositing the same with any bank, until the establishment of a State bank under the direction of the State.

Mr. Seeley offered the following resolution, which, on motion of Mr. Renwick, was laid upon the table :

Resolved, That the judiciary committee be instructed to examine into the expediency of so amending part first, title five, chapter two of the Revised Statutes, as to require the township clerks to make their returns of the assessment rolls to the county commissioners previous to the time prescribed by law for the commissioners to make their returns to the Auditor General.

Mr. Chapin called up his resolution laid upon the table on the 18th inst., which being under consideration,

Mr. Dort moved to strike out "one thousand copies," and insert "a sufficient number."

Mr. Acker moved to amend thus :

That one copy of last year's Comic Almanac be forwarded to each of said officers, at the expense of the State ; which was subsequently withdrawn, and the motion of Mr. Dort prevailed.

On motion of Mr. Mack,

The first resolution was amended by striking out "according to the number of companies in each," and inserting "for the commissioned officers of their respective regiments."

On motion of Mr. Goodwin,

The second resolution was so amended as to insert after the word "named," "being audited by the Auditor General."

And the question being on the adoption of the resolutions as amended, the yeas and nays were called for, and the same were adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Newton, |
| Mr. Axford, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chapin, | Mr. Howland, | Mr. Sheldon, |
| Mr. Chase, | Mr. Hooker, | Mr. Smith, |
| Mr. Clark, | Mr. King, | Mr. Speaker, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |
| Mr. Decker, | Mr. Little, | Mr. Tackels, |
| Mr. Dort, | Mr. Livermore, | Mr. Tucker, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |
| Mr. Finney, | Mr. Meacham, | |

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NAYS.

| | | |
|---------------|-------------|--------------|
| Mr. Acker, | Mr. Mead, | Mr. Pond, |
| Mr. Brown, | Mr. McKee, | Mr. Renwick, |
| Mr. Jennings, | Mr. Pierce, | |

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The said resolutions being in the following words :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Adjutant General be, and is hereby, required to procure a sufficient number of a work entitled "Tactics and regulations for the militia," prepared by brevet Captain S. Cooper, under the supervision of Major General Alexander Macomb, or some other small volume of the kind, equally approved, which he is required to distribute to the commandants of the several regiments in the State for the commissioned officers of their respective regiments. Also,

Resolved, That the State Treasurer be, and is hereby required to pay to the Adjutant General an amount of money sufficient to pay for the books purchased as above named, the same being audited by the Auditor General, provided the sum shall not exceed one thousand dollars.

The question being on the preamble, Mr. Dort moved to strike out of the same all after the word "discipline," which motion prevailed.

On motion of Mr. Mack,

The preamble was stricken out.

On motion of Mr. Ormsby,

The House resolved itself into committee of the whole, on the order of the day, being the bill from the Senate "to authorize the Auditor General to obtain moneys for certain purposes, &c., Mr. Renwick in the chair.

After some time spent thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Seeley,

The House adjourned until half-past two o'clock, P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment, and the roll being called, there were present as in the morning session.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER. }
March 18, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "joint resolution relative to a military corps of half breeds and Indians," which has been concurred in by the Senate.

I am also instructed to transmit to the House the bill to amend title two, part three, Revised Statutes, and respectfully inform you that the Senate have concurred in the report of the committee of conference thereon.

Also, the "Bill to abolish imprisonment for debt and to punish fraudulent debtors," and respectfully inform you that the amend-

ment made therein by the House has been concurred in, with amendments thereto attached.

I am also instructed to transmit to the House of Representatives the following bills, viz :

“ A bill concerning the apportionment of the common school and library funds and for other purposes.”

“ A Bill to provide for the election of Senators in Congress,” which have severally passed the Senate and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the “ Joint resolution relative to a military corps of half-breeds and Indians,” was ordered to be enrolled.

Also, the “ Bill to amend title two, part third, Revised Statutes,” was ordered to be enrolled.

The “ Bill to abolish imprisonment for debt and to punish fraudulent debtors,” was laid upon the table.

The “ Bill concerning the apportionment of the common school and library funds and for other purposes,” was read a first and second time, and referred to committee on education.

The “ Bill to provide for the election of Senators in Congress,” was read a first and second time and referred to the committee on the judiciary.

The House then resolved itself into committee of the whole on the order of the day, being the same as that of the morning session, and after spending the afternoon thereon the committee rose, reported progress and asked for and obtained leave to sit again.

On motion of Mr. Axford, the House then adjourned to half-past nine o'clock to-morrow morning.

TUESDAY, MARCH 19.

The House met pursuant to adjournment, and the roll being called, Messrs. A. Allen, Levake, Little and Shurts were absent.

Prayer by Rev. Mr. Chaplin.

The journal of yesterday was read and corrected.

Mr. Hammond asked for and obtained leave of absence for Mr. Little on account of indisposition.

Mr. Patterson the same for Messrs. A. Allen and Shurts, absent on the committee of investigation, until Wednesday next.

PETITIONS.

By Mr. Gibbs. A communication from certain subscribers to the fund of the "Michigan College," on the subject of incorporating the same; referred to the committee on education.

By Mr. Goodwin. Of S. S. Alcott and others, for the incorporation of a bank by the name of the "Peninsular Bank of Michigan," to be located at Marshall in the county of Calhoun; referred to the committee on banks and incorporations.

By Mr. Brown. Of 280 citizens of Kalamazoo county, for an appropriation upon the western end of the central railroad; referred to the committee on internal improvement.

By Mr. Seeley. Of 97 citizens of Hillsdale county, for the removal of the seat of justice from Jonesville to Hillsdale; laid up on the table.

By Mr. Bacon. Of inhabitants of Monroe county, for the repeal of the license law and prohibition of the sale of ardent spirits; referred to the select committee on that subject.

REPORTS.

Mr. Renwick, from the committee on roads and bridges, to whom was referred certain petitions for the establishment of a toll gate on the Grand River road, reported adverse to the prayer of the petitioners and leave was granted for the petitioners to withdraw the said petitions.

Also, a bill to lay out and establish certain State roads; which was referred to the committee of the whole.

Mr. Finney, from the select committee, to whom was referred the "Bill for the safe keeping and disbursement of public mo-

neys," reported the same back to the House without amendment, and,

On motion of Mr. Adam, the same was made the special order of the day.

Mr. Brown, from the committee on enrolment, reports as correctly enrolled,

A joint resolution "Authorizing the Governor to organize a certain independent military corps."

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred the report of the Bank Commissioners, in relation to the Oakland County Bank, reported that he was directed to report, that in the opinion of the committee, the subject referred to them could be more fully investigated and the various interests involved more effectually protected, under the supervision and direction of the Chancellor, who is clothed with the necessary power, and whose peculiar province it is, upon the proper application of the Bank Commissioner, the Attorney General or any other person, to make such orders and decrees as the nature of the case may require, for the protection of the public, without any violation of the just rights of individuals. Your committee have therefore come to the conclusion, that the court of chancery presents a cheaper, safer, and more impartial tribunal than any other, for the examination and decision of the subject referred to them, and they therefore ask to be discharged from its further consideration.

Whereupon, the committee were discharged from the further consideration of the subject.

Mr. Hammond gave notice, that at some future day he should ask leave to introduce a bill to amend an act entitled an "Act to incorporate the Kalamazoo and Lake Michigan railroad company," approved March 28th, 1836.

RESOLUTIONS.

On motion of Mr. Adam,

Resolved, That the daily sessions of this House will commence at half past 8 A. M., until otherwise ordered; and that all other resolutions relative to the daily sessions of this House be, and the same are hereby, rescinded.

On motion of Mr. Gibbs,

Resolved, That the committee on education be instructed to inquire into the expediency of authorizing by law, an appeal in all cases from the decisions of school inspectors to the Superintendent of Public Instruction.

Mr. Goodwin gave notice, that at a future day he should ask leave to bring in a bill to amend the charter of the Spring Arbor seminary.

On motion of Mr. Goodwin,

Resolved, That the president of the board of Commissioners of internal improvements, report to this House, as soon as may be, the condition of the papers, vouchers and books of said board, and whether any action of the government is necessary for their preservation and permanent security.

Mr. Adam gave notice, that on a future day he would ask leave to bring in a bill to provide for the location of the seat of the State government until 1847.

On motion of Mr. Hammond,

The House then resolved itself into committee of the whole on the special order of the day, being the bill from the Senate, entitled " A bill to authorize the Auditor General to obtain money for certain purposes."

After spending some time thereon, the committee rose, reported the bill back to the House without amendments.

On motion of Mr. Smith,

The House adjourned.

WEDNESDAY, MARCH 20.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. A. Allen and Shurts on committee of investigation, and Messrs. Little and Saunders.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

Mr Hammond asked for and obtained further leave of absence for Mr. Little, on account of indisposition.

PETITIONS.

By Mr. Finney. Of citizens of Ionia county, praying for relief in the premises relating to the collection of taxes; referred to the committee on the judiciary.

RESOLUTIONS.

Mr. Chapin laid the following preamble and resolutions on the table:

Whereas, the returns of the numerical strength of our militia to the war department for the last five years, have been exceedingly imperfect, for the want of proper organization, and at the present time the number returned is believed to be less than one sixth of our actual numerical strength, in consequence of which, we have received annually but about fifty stand of arms, instead of three or four hundred; and whereas, by reason of such delinquency, the State is not prepared to furnish arms and accoutrements for uniform and volunteer companies, according to the provisions of law; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be, and is hereby requested to communicate to the secretary of war, the desire of this Legislature, that three thousand stand of arms, with the necessary accoutrements, may be advanced to him from the U. S. Arsenal in this State, to be distributed to uniform or volunteer companies, in the manner prescribed in "An act to amend an act to organize the militia," approved March 27, 1838.

Resolved, That the State shall be responsible for any arms and accoutrements advanced in the manner named in the preceding resolution, until the State shall be entitled to the number of arms thus advanced, according to the quota to which it may hereafter

be entitled from the numerical strength and returns of its militia, or until returned, if sooner required by the secretary of war.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to authorize the county of Lenawee to borrow a certain sum of money; and

"An act to amend title two of the third part of the Revised Statutes."

Mr. Adam, pursuant to leave, introduced a "Bill to provide for the location of the seat of government of the State, until 1847," which was referred to the committee on towns and counties.

Mr. Hammond, pursuant to leave, introduced a bill to amend an act, entitled "An act to incorporate the Kalamazoo and Lake Michigan railroad company," approved March 28, 1836; which was referred to the committee on banks and incorporations.

The Speaker announced the following communication from the Executive:

EXECUTIVE DEPARTMENT, }
March 19, 1839.

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

A joint resolution relative to a certain independent military corps.

A joint resolution to ascertain the number of the militia.

A joint resolution authorizing the Governor to fill vacancies in the militia.

S. T. MASON.

Also the following:

EXECUTIVE DEPARTMENT, }
March 20, 1839.

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

An act to authorize the county of Lenawee to borrow a certain sum of money.

S. T. MASON.

Also the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
March 19. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the "Bill to provide for the assessment and collection of taxes for the year 1838, and for other purposes," and respectfully inform you, that the Senate have amended the same by striking out all after the enacting clause, and substituting the accompanying bill, in which the concurrence of the House is respectfully asked.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the said bill was laid upon the table and made the special order of the day for to-morrow.

Also the following communication from the Attorney General :
Detroit, March 19, 1839.

Hon. K. S. BINGHAM,

Speaker of the House of Representatives :

Sir : I have the honor to enclose a report containing the history of an institution purporting to be the Farmers' and Merchants' bank of St. Joseph, at Centerville, my opinion as to its corporate existence, its liability to the provisions of the general banking law, and suggestions as to what further legislation is required, to afford a proper remedy to the bill holders and creditors of said institution, in obedience to a resolution of your body of the 13th of February last.

With great respect,
P. MOREY,
Attorney General, Michigan.

And the said report was laid upon the table, and ordered to be printed.

On motion of Mr. Adam,

The bill to amend the chapter of the Revised Statutes entitled of "primary schools," was referred back to the committee on education.

On motion of Mr. Adam, the "Bill to abolish imprisonment for debt and to punish fraudulent debtors," was taken up, the amendment to the amendment of the House to section 17 was concurred in, the amendment to the amendment of section 28 nonconcurred in, and the House receded from their amendment thereto, and the bill read a third time and passed.

On motion of Mr. Hammond,

The "Bill to organize certain townships and for other purposes," was taken up, amended, read a third time and passed.

On motion of Mr. McKee,

The special order of the day was postponed, and on his motion a certain other "Bill to organize certain townships and for other purposes," was taken up, read a third time and passed.

On motion of Mr. Hammond,

The House then went into the consideration of the special order of the day, being the "Bill to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan."

The same being under consideration,

Mr. Pond moved to amend the bill, as follows, to come in at the end of the first section :

"And provided further, that nothing herein contained, shall be construed as authorizing the Auditor General to transfer, or in any way pledge as aforesaid, more than three quarterly instalments of the five million loan."

Mr. Goodwin moved to amend the amendment by adding the following :

"Nor shall he pledge the third instalment if the funds now in the Michigan State bank become available before the money is wanted for internal improvement purposes," which was accepted by the mover of the first amendment.

Mr. McKee moved to amend the amendment by striking out all after the enacting clause, and inserting the following :

Section 1. All moneys hereafter coming into the Treasury of the State, shall be kept by the State Treasurer, who shall not use the same for any purpose whatever, except to pay the warrants of the Auditor General. The Treasurer, for the safe keeping of any moneys belonging to the State, may make a special

deposit of the same with any bank for safe keeping, but shall not permit or suffer such bank, or any of its officers, to use the same.

Sec. 2. When there are no available funds in the hands of the Treasurer to meet any warrant of the Auditor General, the Treasurer may issue a certificate or certificates signed by himself, and countersigned by the Auditor General, acknowledging the indebtedness of the State to the person presenting such warrant, and promising to pay the amount thereof, with seven per cent interest, at some future day, not exceeding one hundred and twenty days from the date of such certificate or certificates; and when any such certificate is given for the amount of one hundred dollars or upwards, it may be made payable at the Bank of the State of New York, in the city of New York; all other certificates shall be paid when due by the Treasurer.

Sec. 3. So much of each instalment hereafter to become due upon the State loan, when such instalment becomes due, as will be required to pay all certificates then drawn and made payable at the Bank of the State of New York, as aforesaid, shall be left in deposit with said bank by the Treasurer, for the payment of such certificates.

Sec. 4. The Treasurer, on each certificate payable at the Bank of the State of New York, shall insert the name of the individual in whose favor the warrant of the Auditor General is drawn, on which such certificate shall be given, and such certificate shall be made payable to such person, or order, and the Treasurer shall weekly notify the said bank of all such certificates given by him, stating the date and amount of each, and the time it will fall due, and to whom it was given. The Treasurer shall not receive into the treasury, or pay out therefrom, any thing except gold and silver, or the bills of specie paying banks. The certificates hereinbefore authorized to be issued by the Treasurer, shall be received in payment of all public dues or taxes. The Treasurer shall keep a true account of all certificates issued by him, and he shall deposit all such certificates, when redeemed by him, with the Auditor General, who shall keep an account thereof, and cause the same to be cancelled, and no certificate that shall have been redeemed shall be again put into circulation. All moneys taken from the internal improvement fund for the payment of de-

mands not chargeable to that fund, shall be charged by the internal improvement fund to the fund for which it is taken, and shall be credited by such fund to the internal improvement fund, and be repaid to the internal improvement fund, with interest, when there shall be sufficient money for that purpose in the treasury, belonging to the fund for which it was taken.

And on the yeas and nays being called on the amendment to the amendment, the same was lost, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Livermore, |
| Mr. Beaufait, | Mr. Finney, | Mr. McKee, |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Sheldon, |
| Mr. Chase, | Mr. Gibbs, | Mr. Smith, |
| Mr. Clark, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Decker, | Mr. Grovier, | Mr. Wixom, |
| Mr. Dort, | | |

10

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Hooker, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Patterson, |
| Mr. Axford, | Mr. King, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Pond, |
| Mr. Brown, | Mr. Mack, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Seeley, |
| Mr. Davis, | Mr. Mead, | Mr. Stout, |
| Mr. Durocher, | Mr. Near, | Mr. Tackels, |
| Mr. Hammond, | Mr. Newton, | Mr. Tucker, |
| Mr. Howland, | | |

28

The question then being on the amendment offered by Mr. Pond, and the yeas and nays being called, the same was adopted, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Decker, | Mr. King, | Mr. Smith, |

Mr. Dort,
Mr. Durocher,
Mr. Eaton,

Mr. Levake,
Mr. Livermore,

Mr. Speaker,
Mr. Wixom,

25

NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Axford,
Mr. Bacon,
Mr. Brown,
Mr. Copeland,
Mr. Davis,
Mr. Hammond,

Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. Lowry,
Mr. Mack,
Mr. Meacham,
Mr. Mead,
Mr. Near,

Mr. Newton,
Mr. Ormsby,
Mr. Pierce,
Mr. Renwick,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,

23

Mr. Pond moved further to amend the bill by inserting in the place of the words "of the State," in the second section, the words "herein authorized to be borrowed and paid out," which amendment was adopted.

Mr. Goodwin moved to amend the bill as follows :

"And all payments to contractors or others, shall be made in specie or in the bills of specie paying banks, convertible into specie on demand," which amendment was adopted.

Mr. McKee offered the following amendment to come in at the end of the fourth section, which was subsequently withdrawn :

"And provided, that the whole amount for which such instalments are sold, shall be paid at the time of sale in specie or in the bills of specie paying banks at par in the city of Detroit."

Mr. Finney moved to amend by striking out the words "the banks of this state," and insert "any bank or banks," and on the yeas and nays being called, the same was lost, by the following vote :

YEAS.

Mr. Adam,
Mr. Beaufait,
Mr. Chase,
Mr. Clark,
Mr. Decker,
Mr. Dort,
Mr. Eaton,

Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Livermore,
Mr. McKee,

Mr. Patterson,
Mr. Pond,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Wixom,

21

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Mead, |
| Mr. L. Allen, | Mr. Howland, | Mr. Near, |
| Mr. Axford, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Chapin, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Levake, | Mr. Stout, |
| Mr. Davis, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, |

27

Mr. Wixom moved to amend the bill, by inserting "and Secretary of State," after the "Auditor General."

Mr. Adam moved to amend the amendment by inserting "and Treasurer;" which was accepted.

And on the yeas and nays being called, the motion was lost, by the following vote :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chase, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | Mr. Mack, | |

20

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Grovier, | Mr. Near, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hooker, | Mr. Patterson, |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, |
| Mr. Copeland, | Mr. King, | Mr. Pond, |
| Mr. Davis, | Mr. Lowry, | Mr. Renwick, |
| Mr. Dort, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |

27

Mr. Adam then moved to amend by adding "and State Treasurer," to come in after "Auditor General."

And on calling the yeas and nays, the same was negatived by the following vote:

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Finney, | Mr. Mack, |
| Mr. Chapin, | Mr. Gibbs, | Mr. McKee, |
| Mr. Chase, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | | |

146

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Adam, | Mr. Grovier, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Axford, | Mr. Howland, | Mr. Patterson, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pierce, |
| Mr. Brown, | Mr. Jennings, | Mr. Pond, |
| Mr. Copeland, | Mr. King, | Mr. Renwick, |
| Mr. Davis, | Mr. Lowry, | Mr. Seeley, |
| Mr. Dort, | Mr. Meacham, | Mr. Stont, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |

30

At this stage of the proceedings, Mr. Saunders appeared and took his seat.

Mr. Livermore then moved to amend by inserting the "Attorney General," which was so amended by Mr. Goodwin as to read the "Attorney General and Secretary of State," and on the yeas and nays being called the same was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chase, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Clark, | Mr. Grovier, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | Mr. Mack, | |

23

NAVS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Patterson, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. King, | Mr. Pond, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, |
| Mr. Davis, | Mr. Mead, | Mr. Tackels, |
| Mr. Durocher, | Mr. Near, | Mr. Tucker, |
| Mr. Hammond, | Mr. Newton, | 20 |

Mr. Goodwin moved to amend by inserting the following, to come in as an additional section:

Sec. 4. An interest account shall be kept by such bank, and interest shall be charged the State, only from the time the money is actually paid by the bank, and not from the time of the sale to the bank, and the drafts shall not be sold at less than par, deducting such interest.

And on the yeas and nays, the same was adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Eaton, | | 25 |

NAVS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Copeland, | Mr. Lowry, | Mr. Pond, |
| Mr. Davis, | Mr. Meacham, | Mr. Renwick, |
| Mr. Durocher, | Mr. Mead, | Mr. Stout, |
| Mr. Hammond, | Mr. McKee, | Mr. Tucker, |
| | | 24 |

Mr. Chase moved to amend by inserting after the word "banks," in the third line of the third section, the words "individual or individuals," which was lost, by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chase, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Levake, | Mr. Tackels, |
| Mr. Dort, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | Mr. McKee, | |

23

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Hammond, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Newton, |
| Mr. Axford, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Patterson, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Copeland, | Mr. Lowry, | Mr. Pond, |
| Mr. Davis, | Mr. Mack, | Mr. Renwick, |
| Mr. Dort, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |

27

The bill was ordered to a third reading, and on motion of Mr. Hammond, it was read a third time and passed, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Mead, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Near, |
| Mr. Axford, | Mr. Grovier, | Mr. Newton, |
| Mr. Bacon, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Howland, | Mr. Patterson, |
| Mr. Brown, | Mr. Hooker, | Mr. Pierce, |
| Mr. Chapin, | Mr. Jennings, | Mr. Pond, |
| Mr. Clark, | Mr. King, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Speaker, |

| | | | |
|-------------|--------------|--------------|----|
| Mr. Decker, | Mr. Mack, | Mr. Tackels, | |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, | 39 |

NAYS.

| | | | |
|-------------|---------------|--------------|---|
| Mr. Chase, | Mr. Gibbs, | Mr. Sheldon, | |
| Mr. Eaton, | Mr. Levake, | Mr. Smith, | |
| Mr. Finney, | Mr. Saunders, | Mr. Wixom, | 9 |

On motion of Mr. Gibbs,

The House went into committee of the whole, Mr. Fitzgerald in the chair, on the bill "to provide for the appointment of circuit attorneys and to define their duties."

After some time spent thereon, the committee rose, reported progress, and obtained leave to sit again.

On motion of Mr. Hooker,

The House adjourned.

THURSDAY, MARCH 21.

The House met pursuant to adjournment, and on calling the roll, Messrs. Little, A. Allen and Shurts were absent on leave, and Mr. Ormsby absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Gibbs. Of citizens of Calhoun county, for the incorporation of the Michigan college; referred to the committee on education.

By Mr. Mead. Of citizens of Ypsilanti, for the same object; referred to the same committee.

By Mr. Stout. Of 200 citizens of Allegan county, for the repeal of the apportionment law of last session, so far as relates to the county of Allegan; referred to the committee on the judiciary.

By Mr. Finney. Of James Ballard and others, of Kent county, for the repeal of the license law and prohibition of the sale of ardent spirits; referred to the select committee on that subject.

By Mr. Copeland. Of citizens of the town of Grass Lake,

against setting off a part of said township; referred to the committee on towns and counties.

By Mr. Mack. The claim of Thomas Christian for services; referred to the committee on claims.

By Mr. Levake. Of seven Chippewa Indian chiefs, for damages on account of the Ste. Marie's ship canal passing through their improvements; referred to the same committee.

REPORTS.

Mr. Patterson, from the committee on agriculture, reported back to the House the bill to them referred, entitled "A bill to provide for the draining of swamps, marshes and other low lands," which bill was placed upon the general order.

RESOLUTIONS.

Mr. Renwick offered the following, which was adopted:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of providing by law for the furnishing the superintendents of the several poor-house establishments of this State, with one copy of the laws for the use of the board, and one copy for the several supervisors of townships.

On motion of Mr. Livermore,

The House gave leave to the committee on printing to send for persons and papers.

On motion of Mr. Smith,

The House went into committee of the whole, Mr. Finney in the chair, on the bill from the Senate, entitled "A bill to provide for the assessment and collection of taxes for the year 1838, and for other purposes."

After some time spent thereon, the committee rose and reported the bill back to the House on motion of Mr. Eaton.

The same being under consideration,

On motion of Mr. Renwick,

The bill was re-committed to the committee on ways and means.

On motion of Mr. Finney,

The House resolved itself into committee of the whole, on the bill to provide for the appointment of circuit attorneys and to define their duties, Mr. Chapin in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House ; and,

On motion of Mr. McKee,

The bill was referred back to the committee on the judiciary.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER, }
March 20. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill to organize and divide certain townships and for other purposes," number 59 ; which has passed the Senate with amendments ; to wit, the second section having been stricken out.

Also, the " Bill to organize certain townships and for other purposes," number 52, and the " Bill to organize certain townships, and for other purposes," which have severally been concurred in by the Senate.

I am also instructed to transmit to the House of Representatives the " Bill abolishing imprisonment for debt," and respectfully inform you that the Senate do insist on their amendment thereto, and that Messrs. Summers, Woodbridge and Harrington have been appointed a committee of conference thereon.

SAMPL YORKE AT LEE,

Secretary of Senate.

Also, the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
March 21. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to organize and divide certain townships, and for other purposes.

An act to amend title two, of the third part of the Revised Statutes.

S. T. MASON.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

“An act to organize and divide certain townships and for other purposes.”

And the House concurred in the amendment of the Senate to the “Bill to organize and divide certain townships, and for other purposes,” and the same was ordered to be enrolled.

And the two several bills “to organize certain townships, and for other purposes,” were ordered to be enrolled.

And that part of the message from the Senate relative to the “Bill to abolish imprisonment for debt,” being under consideration,

Mr. McKee moved the reconsideration of the proceedings of yesterday, on said bill, so far as the vote of the House receding from the amendment to section 17.

Mr. Adam offered the following preamble and resolution as an amendment:

Whereas, the bill from the Senate, entitled “A bill to abolish imprisonment for debt, and to punish fraudulent debtors,” having been sent to the House of Representatives for their concurrence therein, sundry amendments were made thereto by the House; and,

Whereas, the Senate, on the bill being returned with said amendments, did concur in said several amendments made by the House of Representatives, except the amendment to the 17th section, and the amendment to the 28th section, to each of which amendments of the House the Senate proposed amendments; and,

Whereas, upon the bill being again transmitted to the House of Representatives, with said amendments to the amendments of the House, the House did concur in the amendment of the Senate to the amendment of the House to the 17th section, and having non-concurred in the amendment of the Senate to the amendment to the 28th section, did recede from their own proposed amendment to the 28th section; and,

Whereas, there is consequently no existing difference between the two Houses on said bill, the 17th section and 28th section, and all other sections of the bill, and consequently the entire bill, having passed both Houses in the same form and words; therefore,

Resolved, That this House cannot agree to the appointment of

a committee of conference on said bill, as in their opinion said bill has finally passed both Houses, and is ready to be enrolled and presented to the Governor for his signature and approval.

Debates being had thereon, the preamble and resolution were, on motion of Mr. Wixom, laid on the table, and made the special order for to-morrow.

Mr. McKee then moved for a re-consideration of the vote of yesterday, when on the "Bill to abolish imprisonment for debt," on receding from the amendment to the 17th section thereof.

The Speaker decided the motion to be out of order, inasmuch as the bill had been transmitted to the Senate.

Whereupon, Mr. McKee appealed from the decision of the Chair, and the yeas and nays being called, the Chair was sustained by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Meacham, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mead, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Near, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Newton, |
| Mr. Brown, | Mr. Grovier, | Mr. Patterson, |
| Mr. Chapin, | Mr. Hammond, | Mr. Pierce, |
| Mr. Chase, | Mr. Howland, | Mr. Pond, |
| Mr. Clark, | Mr. Hooker, | Mr. Renwick, |
| Mr. Copeland, | Mr. Jennings, | Mr. Saunders, |
| Mr. Davis, | Mr. King, | Mr. Seeley, |
| Mr. Decker, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Dort, | Mr. Levake, | Mr. Stout, |
| Mr. Durocher, | Mr. Livermore, | Mr. Tucker, |
| Mr. Eaton, | Mr. Mack, | Mr. Wixom, |
| | | 42 |

NAYS.

| | |
|------------|---|
| Mr. McKee, | 1 |
|------------|---|

On motion of Mr. Adam,

The House then resolved itself into committee of the whole, Mr. Tackels in the chair, on the "Bill to amend chapter 3, title 1, part 3, of the Revised Statutes," entitled "of circuit courts," and after some time spent thereon, rose, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Hammond, the House adjourned.

FRIDAY, MARCH 22.

The House met pursuant to adjournment, and on calling the roll, Messrs. Axford, Fitzgerald and Ormsby were absent, and Messrs. A. Allen, Little and Shurts on leave.

Prayer by Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Stout. Of 220 citizens of Eaton county, against changing the survey of the Clinton and Kalamazoo canal; referred to the committee on internal improvement.

By the Speaker. Claim of G. Winchell; referred to the committee on claims.

By Mr. Newton. Of citizens of the township of Antwerp, to change the name of said township to that of Elba; referred to the committee on towns and counties.

By Mr. Hooker. Of James Cummings and others, in relation to draining marshes, &c.; referred to the committee on agriculture.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

Three several "acts to organize certain townships, and for other purposes."

Mr. Mack, from the committee on ways and means, reported back to the House without amendment, "A bill relative to certain State annual reports;" referred to committee of the whole and ordered printed.

Mr. Goodwin, from the select committee on so much of the Governor's message as relates to the appointment of an assistant superintendent of public instruction, laid upon the table the following report:

The committee on university and school lands, to whom was referred so much of the Governor's message as relates to the appointment of an assistant superintendent of public instruction, beg leave to report:

That in the present embarrassed state of financial affairs, the

committee consider it unadvisable to increase the number of public officers.

They are of opinion that with the salary allowed by law, the Superintendent, for the present year, can perform the services of his office without an assistant.

Mr. Gibbs, from the committee on judiciary, to whom was referred the bill from the Senate "to provide for the election of Senators in Congress," reported the same back to the House without amendment, and the same was placed upon the general order.

Mr. Mack, from the committee on ways and means, to whom was referred certain petitions of citizens of Wayne and Monroe counties, for appropriations of money for repair of the road leading from Dearbornville to the Ohio line :

And also, the petitions of citizens of Wayne county, for an appropriation for the repair of the Chicago and Grand river road, reported adverse to the prayer of the petitioners, and asked to be discharged from the further consideration of the same.

And the committee were so discharged, and leave granted for the petitioners to withdraw their petitions.

Mr. Adam, from the judiciary committee, reported a "Bill to provide for the collection of certain unpaid taxes in the township of Monguagon, in Wayne county, which was ordered to a third reading.

Mr. Adam, from the committee on education, reported a "Bill relative to furnishing certain copies of the Journal of Education, and for other purposes," which was ordered to a third reading.

Mr. Gibbs, from the judiciary committee, reported back to the House the bill to them referred, entitled "A bill to provide for the disposition of prisoners apprehended in the county of Shiawassee," which was placed upon the general order.

Mr. Goodwin, pursuant to leave, introduced "A bill to amend an act to incorporate the trustees of the Spring Arbor seminary," referred to the committee on education.

Mr. Mack, from the committee on ways and means, reported back to the House the communication of James A. Armstrong, relative to certain advances of money, and asked its reference to the committee on claims; so referred.

RESOLUTIONS.

On motion of Mr. Acker,

Resolved, That the committee on the judiciary be instructed to inquire what alteration, if any, is necessary, in chapter first, part second, title second of the Revised Statutes, relating to marriages.

Mr. Brown gave notice that on some future day he should ask leave to bring in a bill to repeal the law making appropriations on the St. Mary's canal.

Mr. Goodwin gave notice that he should on a future day ask leave to bring in a bill to amend the law in relation to the division of real estate among owners, in certain cases not provided for by law.

Mr. Chapin called up his resolution offered on the 20th instant, requiring the Executive to communicate with the Secretary of war in relation to arms, &c., and the same was adopted.

Mr. Adam called up the special order of the day, being his preamble and resolutions of yesterday, relative to the bill abolishing imprisonment for debt.

Mr. McKee offered the following as an amendment :

Whereas, the bill from the Senate, entitled " A bill to abolish imprisonment for debt, and to punish fraudulent debtors," having been sent to the House of Representatives for their concurrence therein, sundry amendments were made thereto by the House ; and whereas the Senate, on the bill being returned with said amendments, did concur in the several amendments made by the House of Representatives, after having amended the amendments to the 17th and 28th sections ; and whereas, upon the bill being again transmitted to the House of Representatives with the amendments to the amendments of the House, the House did concur in the amendment to the amendment of the House to the 17th section, and having non-concurred in the amendment of the Senate to the amendment of the House to the 28th section, did recede from their own amendment to the 28th section ; and whereas, it is a manifest violation of the rules which govern legislative bodies for one branch of the legislature to recede from or amend their own amendment, after the same has been amended and concurred in by the other branch thereof ; therefore,

Resolved, That the vote of the House of Representatives, by which they receded from their own amendment to said bill, after said amendment had been amended and concurred in by the Senate, was a violation of the rules by which this House is governed, and therefore void and of no effect.

And the yeas and nays being taken thereon, the same was rejected, as follows :

YEAS.

Mr. McKee,

1

NAYS.

Mr. Acker,
Mr. Adam,
Mr. Bacon,
Mr. Beaufait,
Mr. Brown,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Davis,
Mr. Decker,
Mr. Dort,
Mr. Durocher,
Mr. Eaton,
Mr. Finney,

Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. King,
Mr. Lowry,
Mr. Levake,
Mr. Livermore,
Mr. Mack,
Mr. Meacham,
Mr. Mead,
Mr. Near,

Mr. Newton,
Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Saunders,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,
Mr. Wixom,

41

The question being on the resolution of Mr. Adam, the same was adopted by yeas and nays, as follows :

YEAS.

Mr. Adam,
Mr. Beaufait,
Mr. Brown,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Davis,
Mr. Decker,
Mr. Dort,
Mr. Eaton,
Mr. Finney,

Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Hammond,
Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. Mack,
Mr. Meacham,
Mr. Mead,
Mr. McKee,

Mr. Near,
Mr. Patterson,
Mr. Pierce,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,

32

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. King, | Mr. Pond, | |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Durocher, | Mr. Newton, | | 11 |

The following resolution was offered by Mr. Goodwin :

Resolved, That the provisions attached to the amendments of the House, by the Senate, are, in the opinion of this House, no amendments to the amendment, but constitute new and original provisions in the bill, wholly irrelevant to the subject matter of the amendment.

Which was adopted by yeas and nays, as follows :

YEAS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, | |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Decker, | Mr. Mack, | Mr. Stout, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Patterson, | Mr. Tucker, | |
| Mr. Eaton, | Mr. Pond, | Mr. Wixom, | 24 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hammond, | Mr. Meacham, | |
| Mr. Bacon, | Mr. Howland, | Mr. Mead, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Near, | |
| Mr. Brown, | Mr. Jennings, | Mr. Newton, | |
| Mr. Copeland, | Mr. King, | Mr. Pierce, | |
| Mr. Davis, | Mr. Lowry, | Mr. Renwick, | 18 |

The question then being on the preamble by Mr. Adam, the same was adopted by the following vote, the yeas and nays being taken :

YEAS.

| | | | |
|---------------|--------------|----------------|--|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Pierce, | |
| Mr. Brown, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Hammond, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Howland, | Mr. Smith, | |

| | | | |
|-------------|----------------|--------------|----|
| Mr. Clark, | Mr. Hooker, | Mr. Speaker, | |
| Mr. Davis, | Mr. Jennings, | Mr. Stout, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, | - |
| Mr. Eaton, | Mr. Meacham, | | 29 |

NAYS.

| | | | |
|---------------|------------|--------------|----|
| Mr. Acker, | Mr. Lowry, | Mr. Newton, | |
| Mr. Bacon, | Mr. Mead, | Mr. Pond, | |
| Mr. Copeland, | Mr. McKee, | Mr. Renwick, | |
| Mr. Durocher, | Mr. Near, | Mr. Wixom, | |
| Mr. King, | | | 18 |

The Speaker announced the following communication from the President of the Board of internal improvement :

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, March 22, 1839. }

To the House of Representatives :

Gentlemen : In obedience to a resolution of your honorable body, directing the President of the Board of internal improvement to report the condition of the papers, vouchers and books of said board, and whether any action of the government is necessary for their preservation and permanent security, I would respectfully submit the following statement :

All of the books, papers and vouchers belonging to the board are now in this office, and under the immediate charge of the secretary of the board, except the contracts for the construction of the southern railroad, and the vouchers of J. B. Hunt and D. C. McKinstry, which were taken from this office under subpœna of the committee appointed " to investigate into the general accounts and proceedings of the board of internal improvement."

I understand that the committee have placed these papers, during the interim of their settings, in the hands of one Hathon, for safe keeping and arrangement ; and report says that he keeps the papers scattered about his office, open, and subject to the examination and review of any individual that may happen in. Of the safety of these papers, in this man's hands, or of the propriety of placing them there, I would not wish to express an opinion.

I would respectfully suggest to the Legislature the passage of a law declaring who shall have the custody of the papers belonging

to the board of internal improvement, and where they shall be kept, and how kept, and when they shall be examined, and by whom examined; for it must be obvious to every reflecting mind that if the papers are allowed to be removed from place to place, and placed in the hands of different individuals for safe keeping, and some of them not known to the constitution or the laws as public officers, and consequently under no legal obligation to execute the trust faithfully, that the papers, vouchers, &c., would be liable to be mislaid, lost, mutilated or abstracted.

While the papers, books, &c., are in this office, they may be considered safe, subject only to the casualty of fire.

I have the honor to be, gentlemen,

Your obedient servant,

E. H. LOTHROP,

President Board of Internal Improvement.

Referred to the committee on internal improvement.

Also the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
March 22, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act to organize certain townships and for other purposes."

"An act to organize certain townships and for other purposes."

"An act to organize certain townships and for other purposes."

S. T. MASON.

On motion of Mr. Patterson,

The House went into committee of the whole on the bill from the Senate, entitled "A bill to promote agriculture," Mr. Hooker in the chair.

The committee rose and reported the bill back to the House with amendments.

When on motion of Mr. Wixom the bill was laid upon the table.

The House adjourned.

SATURDAY, MARCH 23.

The House met pursuant to adjournment, and on calling the roll, Messrs. A. Allen, Little and Shurts, were absent on leave ; and Messrs. L. Allen, Bacon and Wixom, absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

ABSENCE.

Mr. Livermore asked and obtained leave of absence for Mr. Wixom, until Monday.

PETITIONS.

By Mr. Chapin. Of George Kellogg and S. A. Chapin, to have legalized the order of the circuit court, vacating a part of the village plat of the village of White Pigeon ; referred to the committee on the judiciary.

By Mr. Goodwin. Of Dwight Kellogg, in relation to damages occasioned by the central railroad ; referred to the committee on internal improvement.

By Mr. Sheldon. Of school district No. 9, of the town of Nankin, relative to the payment of certain moneys ; referred to the judiciary committee.

REPORTS.

Mr. Brown, pursuant to leave, introduced a " Bill to repeal an act making appropriations on the St. Marie's canal ;" referred to the judiciary committee.

Mr. Adam, from the committee on education, reported a " Bill to incorporate the Marshall college ;" referred to committee of the whole and ordered to be printed.

Mr. introduced a " Bill to provide for the support of State paupers ;" referred to committee of the whole and ordered to be printed.

Mr. Adam, from the committee on the judiciary, reported a " Bill to abolish imprisonment for debt, and to punish fraudulent debtors," which was read a first and second time, and the rule suspended, and the same made the special order of the day.

RESOLUTIONS.

Mr. Renwick offered the following resolution, which was adopted:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending part first, title nine, chapter one of the Revised Statutes, which provides for the support of poor persons by their relatives, and prescribes the mode and manner of enforcing such support.

Mr. Chapin moved that the bill "to authorize a loan to the White Pigeon beet sugar company of a certain sum of money," be made the special order of the day. Rule suspended, and said bill made the special order.

The "Bill to provide for the payment of certain taxes in the township of Monguagon, in the county of Wayne." was then read a third time, and the question being on its passage, the same was, on motion of Mr. Gibbs, amended by striking out of the second section and inserting the following, to come in after the word "section," in said section, "may make oath before the collector, who is hereby authorized to administer the same, that the tax has been fully paid, which shall discharge such person from the payment thereof;" when the bill was passed.

The "Bill relative to furnishing certain copies of the Journal of Education, and for other purposes," was read a third time and passed.

The House then went into consideration of the special order of the day, being a "Bill to abolish imprisonment for debt, and to punish fraudulent debtors," when the same was read a third time, the rule being suspended, and the bill unanimously passed.

On motion of Mr. Chapin,

The House went into committee of the whole, Mr. Hammond in the chair, on the bill to authorize a loan of money to the White Pigeon beet sugar company, the same being the special order of the day.

After some time spent thereon, the committee reported the same back to the House with amendments and asked the concurrence of the House therein; the same being concurred in, and the bill being under consideration,

Mr. Acker moved to amend the bill by striking out all after the

enacting clause; and on the yeas and nays being called, the motion was lost, by the following vote :

YEAS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. Acker, | Mr. Grovier, | Mr. McKee, | |
| Mr. Axford, | Mr. Howland, | Mr. Near, | |
| Mr. Brown, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Davis, | Mr. King, | Mr. Pierce, | |
| Mr. Decker, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Durocher, | Mr. Mead, | Mr. Tackels, | 18 |

NAYS.

| | | | |
|-----------------|---------------|----------------|----|
| Mr. Adam, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Chapin, | Mr. Hammond, | Mr. Renwick, | |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Clark, | Mr. Levake, | Mr. Sheldon, | |
| Mr. Dort, | Mr. Mack, | Mr. Smith, | |
| Mr. Eaton, | Mr. Meacham, | Mr. Stout, | |
| Mr. Fitzgerald, | Mr. Newton, | | 23 |

And the bill was then ordered to a third reading.

Mr. Adam called up the Senate bill "to provide for the election of United States Senator to Congress," upon which bill Mr. Smith moved that the House resolve itself into committee of the whole, which motion was lost.

Mr. Gibbs then called up the bill from the Senate, entitled "A bill to authorize Giles B. Kellogg to make partition and sale of certain real estate;" the same being under consideration, the bill was ordered to a third reading, the rule suspended, the bill read a third time and passed.

The House then went into consideration of the bill entitled "A bill to amend an act to incorporate the village of Niles, and acts amendatory thereto."

The amendments thereto, made by the Senate, were concurred in, and the bill passed.

Mr. Copeland, in pursuance of leave, introduced a bill to provide for the organization of the township of Columbia in the county of Jackson.

The rule being suspended, the bill was read a third time and passed.

On motion of Mr. Acker,

The House went into committee of the whole, Mr. Brown in the chair, on the "Bill regulating sales at auction, and for other purposes."

After spending some time thereon, the committee reported the same back to the House without amendment; when, on motion of Mr. Acker, the same was laid upon the table.

On motion of Mr. McKee,

The House went into consideration of the bill to provide for the disposition of prisoners apprehended in the county of Shiawassee; the same being under consideration, the rule was on motion of Mr. McKee suspended, the bill read a third time and passed.

On motion of Mr. Acker,

The House went into committee of the whole, Mr. Goodwin in the chair, on the "Bill to incorporate the Grass lake academy and teacher's seminary."

After some time spent thereon, the committee rose and reported the bill back to the House with amendments, and the same were concurred in; the bill being under consideration, the same was ordered to a third reading.

On motion of Mr. Dort,

The House went into committee of the whole, Mr. Newton in the chair, on the "Bill in relation to township assessors."

After some time spent thereon, the committee rose and reported the same back to the House with an amendment, which was concurred in by the House, and the bill ordered to a third reading.

On motion of Mr. Adam,

The House adjourned.

MONDAY, MARCH 25.

The House met pursuant to adjournment, and the roll being called, Mr. Little was absent on leave, and Messrs. L. Allen and Bacon.

Prayer by the Rev. Mr.

The journal of Saturday was read and corrected.

PETITIONS.

By Mr. Howland. Of twenty-three inhabitants of the township of Melancthon, praying for the repeal of the license laws, and the prohibition of the sale of ardent spirits; referred to the select committee on that subject.

By Mr. Stout. Remonstrance of citizens of Barry county, against an alteration of the Clinton and Kalamazoo canal.

By Mr. Fitzgerald. Of Clifford Shanahan, Thomas J. Glen, and other citizens of Cass county, for a charter to construct a railroad from Edwardsburg, in said county, to the Indiana State line, in a direction to the village of Elkhart, in the State of Indiana; referred to the committee on banks and incorporations.

By Mr. Pierce. Of citizens of the village of Harford, in the township of Lima, Washtenaw county, to change the name thereof; referred to the committee on towns and counties.

By Mr. Acker. Two several petitions of inhabitants of Grass Lake, Jackson county, for a close corporation of the Grass Lake academy and teachers' seminary; referred to the committee on education.

By Mr. Mack. Claim of Charles Tryon against the State; referred to the committee on claims.

By Mr. Goodwin. Ten petitions of inhabitants of Calhoun county, appealing from the location of the railroad between Marshall and Battle Creek, and praying it to pass through Verona; referred to the committee on internal improvement.

REPORTS.

Mr. Adam, from the committee on education, to whom was re-committed the bill to amend the chapter of the Revised Statutes entitled "Of primary schools," reported a substitute for the same, which was referred to the committee of the whole, and ordered to be printed.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred "A bill to amend an act entitled 'An act to incorporate the Kalamazoo and Lake Michigan railroad company,' approved 28th March, 1836," reported the same back to the House without amendment. Said bill was referred to the committee of the whole, and made the special order for to-morrow.

Mr. Renwick, from the committee on roads and bridges, reported "A bill to establish a State road from Genesee county seat to Pontiac;" which was referred to the committee of the whole.

Mr. Fitzgerald, from the committee on militia, reported "A bill to provide for the more effectual defence of the State against foreign invasion," which was referred to the committee of the whole, and ordered to be printed.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER,
Detroit, March 25, 1839. }

To the Speaker of the House of Representatives :

Sir—I am instructed, by the Senate to return to the House of Representatives the " Bill to establish a State Bank," which has passed the Senate with amendments.

Also, the " Bill to legalize the proceedings of the townships of Metamora and Elba,"

And the " Bill to legalize the township elections of Alacidon and Aurelius,"

Which have severally passed the Senate with amendments.

Also, the joint resolution requesting the Executive to communicate with the secretary of war, which has been concurred in by the Senate.

I am also instructed to transmit to the House of Representatives a certain joint preamble and resolutions in relation to "A road from Cincinnati to the centre of the south line of Michigan," which have been adopted by the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bill to establish a State Bank, together with the amend-

ments of the Senate, was, on motion of Mr. Adam, referred to the committee on banks and incorporations.

And the "Bill to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer," being under consideration, the amendment of the Senate thereto was concurred in, and the bill ordered to be enrolled.

The "Joint resolution requesting the Executive to communicate with the secretary of war," was ordered to be enrolled.

The "Joint preamble and resolutions in relation to a road from Cincinnati to the centre of the south line of Michigan," was laid upon the table.

The "Bill to legalize the proceedings of the townships of Alacodon and Aurelius, in the county of Ingham," being under consideration, the amendment of the Senate was concurred in, and the bill ordered to be enrolled.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"A joint resolution requesting the Executive to communicate with the secretary of war in relation to arms, &c."

RESOLUTIONS.

Mr. Mack gave notice that on to-morrow, or on an early day thereafter, he should ask leave to introduce a bill to amend the charter of the city of Detroit.

Mr. Seeley laid the following resolution on the table :

Resolved, That, if the Senate concur, the Legislature will adjourn on the ninth day of April next.

Mr. Chapin gave notice that he should ask leave to bring in a bill to provide for the recording of town plats, and for vacating the same in certain cases.

ABSENCE.

Mr. Pierce asked for and obtained leave of absence for Mr. L. Allen, until to-morrow.

Mr. Chapin for Mr. Beaufait, till Wednesday.

Mr. Chase for Mr. Livermore, till to-morrow.

Mr. Adam, from the committee on education, to whom was referred the Senate "Bill concerning the apportionment of the common school and library funds, and for other purposes," reported

the same back with amendments ; and the same being under consideration, the bill was read a third time and passed.

Mr. Dort called up the bill from the Senate " to provide for the election of Senators in Congress," upon which bill the House went into committee of the whole, Mr. Adam in the chair. After spending some time thereon, the committee reported the same back to the House without amendment ; when,

On motion of Mr. Wixom,

The further consideration of the bill was indefinitely postponed.

On motion of Mr. Acker,

The " Bill to incorporate the Grass Lake academy and teachers' seminary," was taken up by the House, amended, read a third time and passed, by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. Axford, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Brown, | Mr. Grovier, | Mr. Pierce, |
| Mr. Chapin, | Mr. Hammond, | Mr. Pond, |
| Mr. Chase, | Mr. Howland, | Mr. Renwick, |
| Mr. Clark, | Mr. Hooker, | Mr. Seeley, |
| Mr. Copeland, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Davis, | Mr. Lowry, | Mr. Shurts, |
| Mr. Decker, | Mr. Mack, | Mr. Smith, |
| Mr. Dort, | Mr. Meacham, | Mr. Speaker, |
| Mr. Durocher, | Mr. Mead, | Mr. Stout, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

42

NAYS.

0

On motion of Mr. Adam,

The " Bill relative to township assessments and returns thereof," was taken up, amended, the rule suspended, read a third time and passed, by the following vote :

YEAS.

| | | |
|---------------|--------------|------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Near, |

| | | |
|---------------|---------------|----------------|
| Mr. Axford, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Howland, | Mr. Patterson, |
| Mr. Brown, | Mr. Hooker, | Mr. Pierce, |
| Mr. Chapin, | Mr. Jennings, | Mr. Pond, |
| Mr. Chase, | Mr. King, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Seeley, |
| Mr. Decker, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Eaton, | | |

34

NAYS.

| | | |
|-----------------|--------------|--------------|
| Mr. Clark, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Newton, | Mr. Wixom, |
| Mr. Gibbs, | | |

10

On motion of Mr. Hammond,

The " Bill to amend an act entitled ' An act to incorporate the Kalamazoo and Lake Michigan railroad company,' approved March 28, 1836," was taken up, and, after some time spent there on, was made the special order of the day for to-morrow.

On motion of Mr. Seeley,

The " Bill to provide for the removal of the seat of justice of the county of Hillsdale, from the village of Jonesville to the village of Hillsdale," was resumed in committee of the whole, Mr. Goodwin in the chair ; after spending some time thereon, the committee rose, and reported the same back with an amendment, and the yeas and nays being called, the House concurred, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chase, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Hooker, | Mr. Tackels, |
| Mr. Dort, | Mr. Levake, | Mr. Wixom, |
| Mr. Durocher, | Mr. Mack, | |

26

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. King, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Smith, |
| Mr. Davis, | Mr. Near, | Mr. Tucker, |
| Mr. Hammond, | Mr. Newton, | |

17

Mr. Hammond then moved that the word "one," after the word "forty," in the third line, be stricken out, and "three" inserted, which was lost.

Mr. Acker then moved to strike out all after the enacting clause, and on the yeas and nays being called thereupon, the same was lost, by the following vote :

YEAS.

| | | |
|---------------|--------------|-------------|
| Mr. Acker, | Mr. Hammond, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Smith, |
| Mr. Brown, | Mr. King, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | | |

13

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Newton, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Chapin, | Mr. Grovier, | Mr. Pond, |
| Mr. Chase, | Mr. Hooker, | Mr. Renwick, |
| Mr. Clark, | Mr. Jennings, | Mr. Seeley, |
| Mr. Decker, | Mr. Lowry, | Mr. Shurts, |
| Mr. Dort, | Mr. Levake, | Mr. Speaker, |
| Mr. Durecher, | Mr. Mack, | Mr. Tackels, |
| Mr. Eaton, | Mr. Meacham, | Mr. Wixom, |
| Mr. Finney, | | |

31

On motion of Mr. Adam,

The bill was ordered to a third reading.

On motion of Mr. Jennings,

The rule was then suspended, the bill read a third time and passed, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Mack, |
| Mr. A. Allen, | Mr. Finney, | Mr. Meacham, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. Hooker, | Mr. Shurtz, |
| Mr. Decker, | Mr. Jennings, | Mr. Speaker, |
| Mr. Dort, | Mr. Lowry, | Mr. Tackels, |
| Mr. Durocher, | Mr. Levake, | Mr. Wixom, |

27

NAYS.

| | | |
|--------------|--------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Renwick, |
| Mr. Axford, | Mr. King, | Mr. Smith, |
| Mr. Brown, | Mr. Near, | Mr. Stout, |
| Mr. Davis, | Mr. Newton, | Mr. Tucker, |
| Mr. Hammond, | Mr. Pierce, | |

14

On motion of Mr. Fitzgerald,

The "Bill relative to the erection of bridges in certain cases," was taken up in committee of the whole, Mr. Wixom in the chair; after some time spent thereon, the committee rose and reported the same back without amendment.

Mr. McKee moved that all after the enacting clause be stricken out.

Mr. Adam moving for an adjournment, the same lies upon the table.

Mr. Renwick offered the following preamble and resolution, which were adopted.

Whereas, the time is fast approaching when this Legislature must terminate its session by adjournment, it becomes necessary, in order to enable the House to act understandingly on the business before them, that the several standing and special committees appointed by the House should make their report to the Legislature as soon as practicable; therefore,

Resolved, That all standing and special committees of the House, to whom has been referred any business of the House which requires action or report by said committee, be and they are hereby required to make their report on or before the first Monday of April next.

Mr. Mack, pursuant to leave, presented the petition of sundry citizens of Detroit that the board of internal improvement be invested with power to establish a railroad depot in the city of Detroit, where the public interest may require it, sanctioned by the city authorities; referred to the committee on internal improvements.

On motion of Mr. Adam,
The House adjourned.

TUESDAY, MARCH 26.

The House met pursuant to adjournment, and on calling the roll, Messrs. Fison and Beaufait were absent on leave.

Prayer by the Rev. Mr. Duffield.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Eaton. Of citizens of school district number three in the town of Romulus, that certain acts of said district may be legalized; referred to the committee on the judiciary.

By Mr. Decker. Of one hundred and seventy citizens of Plymouth, Wayne county, against the passage of a law for the appraisal of real estate to pay debts; referred to the same committee.

REPORTS.

Mr. Finney, from the committee on internal improvement, reported a bill for the regulation of internal improvements, and for the appointment of a board of commissioners.

Mr. Goodwin, from the committee on university and school lands, &c. reported "A bill authorizing the Superintendent of Public Instruction to grant certain privileges to Elisha Doane of Kalamazoo county; which was referred to the committee of the whole and ordered printed.

Mr. Finney, from the committee on internal improvement, reported a joint resolution instructing the Auditor General to pay E. H. Lothrop a certain sum of money.

And also laid upon the table the following:

The committee on internal improvement have had under consideration numerous petitions referred to them, praying for appropriations for the construction of a macadamized road leading from the Ohio line to Detroit, in the place of a contemplated railroad from Havre to Detroit, and have instructed me to return the petitions to this House, and ask for a discharge of the committee from further consideration of the subject.

In justice to the subject, your committee would respectfully say, that they came to the conclusion that it would be inexpedient at this time to prosecute that work, not that it did not present strong claims and inducements, but because the finances of the State would not warrant the enterprize.

The object is esteemed worthy of the attention of the State, and may become at some future period of vast importance to the local and travelling community.

Whereupon, the committee were so discharged.¹

Mr. Renwick, from the committee on roads and bridges, reported "A bill to provide for certain alterations of State roads;" referred to the committee of the whole.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer."

"An act to legalize the township elections of the townships of Alceidon and Aurelius."

And "An act to amend an act entitled 'an act to incorporate the village of Niles,' and the acts amendatory thereof."

Mr. Fitzgerald, from the committee on banks and incorporations, laid the following report upon the table:

The committee on banks and incorporations, to whom was referred the amendments made in the Senate to the bill to establish a State bank, have carefully examined the same, and are of opinion, that most of said amendments are salutary, and in which, with the exceptions hereinafter mentioned, they would respectfully recommend that the House concur. The amendments which your committee consider objectionable, and in which it is their opinion that this House should not concur, are those made in the

second line of section 1, and the proviso at the end of said section.

Also, the amendment to section 13.

Also, the amendment to section 22.

Also, in the 11th line of section 45, by striking out two and inserting three, and in striking out the 14th, 15th and 16th lines in section 45.

Also, the amendments in the 10th and 12th lines of section 53.

Also, by striking out sections 61 and 62.

All of which is respectfully submitted.

Mr. Mack, in pursuance of leave, introduced "A bill relative to ward elections in the city of Detroit, and for other purposes," which was referred to the committee of the whole, and made the special order of the day.

Mr. A. Allen, in pursuance of leave, introduced a bill to authorize Mary Ann Whitney to convey real estate; referred to the committee on the judiciary.

Mr. Little, in pursuance of leave, introduced "A bill to amend an act to incorporate the Saginaw and Genesee railroad company;" referred to the committee on banks and incorporations.

RESOLUTIONS.

Mr. Hammond gave notice, that on some future day he should ask leave to introduce a bill to promote the culture of the mulberry tree, and to encourage the manufacture of silk in the State of Michigan.

Mr. Patterson gave notice, that he should ask leave to introduce a bill to legalize the acts of the first Presbyterian society in the village of Adrian.

On motion of Mr. Renwick,

Resolved, That the committee on the judiciary be instructed to inquire if any, and if so, what legislation is necessary to enable the county commissioners to require and enforce a settlement with the delinquent county treasurers of the several counties, if any such there be; such inquiry to extend as well to former county treasurers, who have gone out of office, and who it shall be made to appear are defaulters, and to enforce payment of all moneys which shall appear by such settlement to be due from such treasurer to the proper county.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
 Detroit, March 26, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act to organize the township of Columbia in the county of Jackson."

"An act to amend an act entitled an act to incorporate the village of Niles and the acts amendatory thereto."

"An act to legalize the township elections of the townships of Alceidon and Aurelius."

"An act to legalize the proceedings of township meetings of the townships of Metamora and Elba, in the county of Lapeer."

S. T. MASON.

Also, the following from the Senate :

SENATE CHAMBER, }
 Detroit, March 26, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "Bill establishing the counties of Kishcauge and Mohegan, and defining the boundaries of the county of Sanilac," which has passed the Senate with amendments.

I am also instructed to transmit to the House the following bills, which have severally passed the Senate, viz :

"A bill to incorporate the Marshall female seminary."

"A bill to provide for the collection of demands against boats and vessels."

"A bill making special appropriations, and for other purposes."

"An act to incorporate the Berrien county mutual insurance company."

Also, "A bill to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan," the Senate refusing to concur with the House in adding thereto a fourth section.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

The "Bill to authorize the Auditor General to obtain money on the credit of certain instalments on the five million loan," being under consideration,

Mr. Hammond moved that the House recede from their amendment to the fourth section thereof, which motion prevailed, by yeas and nays, as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Axford, | Mr. King, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Pond, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tackels, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | Mr. Near, | |

26

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chase, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Clark, | Mr. Grovier, | Mr. Shurts, |
| Mr. Decker, | Mr. Levake, | Mr. Smith, |
| Mr. Dort, | Mr. Livermore, | Mr. Speaker, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

24

The question then being taken on the final passage of the bill, it was passed by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Axford, | Mr. King, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Pond, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Seeley, |
| Mr. Durocher, | Mr. Meacham, | Mr. Stout, |
| Mr. Grovier, | Mr. Mead, | Mr. Tackels, |
| Mr. Hammond, | Mr. Near, | Mr. Tucker, |
| Mr. Howland, | | |

28

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chase, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | | |

22

Mr. Adam now gave notice, that on to-morrow he should move to reconsider the vote on the final passage of the bill, and also of the vote to recede from the amendment.

And the "Bill establishing the counties of Kishcango and Mohegan, and defining the boundaries of the county of Sanilac," being under consideration, the amendments to the title thereof and to the first section were concurred in, and the question being on concurring in the amendment, was concurred in, by the following vote :

YEAS.

| | | |
|-----------------|----------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Axford, | Mr. King, | Mr. Ormsby, |
| Mr. Clark, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Little, | Mr. Renwick, |
| Mr. Fitzgerald, | Mr. Livermore, | Mr. Stout, |
| Mr. Gibbs, | Mr. Meacham, | Mr. Tackels, |
| Mr. Grovier, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | | |

23

NAYS.

| | | |
|---------------|--------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |

12

Mr. Acker moved to reconsider, which being sustained, the motion to concur was lost, and on motion of Mr. McKee, a committee of conference appointed on the part of the House, consisting of Messrs. McKee, Howland and Little.

And "the bill to incorporate the Marshall female seminary," was referred to the committee on education.

"The bill to provide for the collection of demands against boats and vessels," was referred to the committee on the judiciary.

"The bill making special appropriations and for other purposes," was referred to the committee on ways and means.

"The act to incorporate the Berrien county mutual insurance company," was referred to the committee on banks and incorporations.

On motion of Mr. Mack,

The unfinished business of yesterday, and the special orders of the day, were postponed; and the House went into committee of the whole, Mr. Little in the chair, on "the bill relative to ward elections in the city of Detroit, and for other purposes."

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were concurred in.

The same being under consideration by the House, on motion of Mr. Mack, the rule was suspended, the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chapin, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Little, | Mr. Shurta, |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. Mead, | Mr. Tucker, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

39

NAYS.

| | | |
|------------|-------------|--------------|
| Mr. Chase, | Mr. Decker, | Mr. Goodwin, |
|------------|-------------|--------------|

3

The House then went into committee of the whole on the "bill to establish a State bank;" after a time spent thereon, the com-

mittee rose and through their chairman, Mr. Smith, reported the same back to the House without amendment.

The same being under consideration by the House, Mr. Hammond moved to concur in the amendment by the Senate made to the first section, by striking out the word "nine," in said section, and inserting "seven," and the same was concurred in, as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, |
| Mr. Brown, | Mr. Howland, | Mr. Pierce, |
| Mr. Clark, | Mr. Jennings, | Mr. Pond, |
| Mr. Davis, | Mr. King, | Mr. Renwick, |
| Mr. Decker, | Mr. Lowry, | Mr. Speaker, |
| Mr. Dort, | Mr. Levake, | Mr. Tackels, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, |

24

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Chase, | Mr. Hooker, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Finney, | Mr. Livermore, | Mr. Wixom, |
| Mr. Fitzgerald, | Mr. Mack, | |

21

On motion of Mr. Tucker,

The vote of concurrence was reconsidered, and the question being again on concurring. the House non-concurred by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Near, | Mr. Tackels, |
| Mr. Decker, | Mr. Newton, | Mr. Tucker, |
| Mr. Durocher, | | |

19

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. McKee, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Saunders, |
| Mr. Arford, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Livermore, | Mr. Smith, |
| Mr. Eaton, | Mr. Mack, | Mr. Stout, |
| Mr. Finney, | Mr. Meacham, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

35

Action was had upon several of the amendments made by the Senate to the bill, and the House had proceeded to the consideration of the amendment to the 10th section, when,

On motion of Mr. Finney,

The House adjourned.

WEDNESDAY, MARCH 27.

The House met pursuant to adjournment, and on calling the roll, Mr. Bacon was absent on leave.

Prayer by the Rev. Mr. Duffield.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Adam. Of the school inspectors and the district officers of the several school districts in the city of Detroit, for certain amendments to the school law, so far as the same relates to said city; referred to committee on education.

Also, of H. E. Perry and others, for the passage of a law providing for the appointment of an inspector of lumber; referred to the committee of ways and means.

By Mr. Jennings. Of certain citizens, against the construction of a branch railroad through the city of Monroe, on the north side of the River Raisin; referred to the committee on internal improvement.

By Mr. Mack. Of the Hon. Ross Wilkins, Hon. John McDonnell, Hon. John Biddle, and 50 other citizens of Detroit, for the passage of a law constituting the colored people of this city into a common school district by themselves; referred to the committee on education.

By Mr. Tucker. Of the Hon. E. Perrin and others, against the incorporation of the village of Jackson; referred to the committee on banks and incorporations.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, reported a "Bill more effectually to protect the public against various frauds;" referred to the committee of the whole, and ordered to be printed.

Mr. Mack, from the committee on ways and means, reported back to the House, without amendment, the "Bill making special appropriations, and for other purposes;" referred to the committee of the whole, and made the special order for to-morrow.

Mr. Gibbs, from the committee on the judiciary, reported a bill "to repeal part of section nine, of chapter 2, of title 5, of part

first of the Revised Statutes;" referred to the committee of the whole.

Mr. Howland, from the select committee to whom was referred the subject, reported a "Bill to abolish certain State offices, and for other purposes;" referred to the committee of the whole and ordered to be printed.

Mr. Hammond, in pursuance of leave, introduced a "Bill to promote the culture of the mulberry tree, and to encourage the manufacture of silk in this State;" referred to the committee of the whole, and ordered to be printed.

Mr. A. Allen, from the special committee appointed to investigate the accounts of the acting Commissioner on the State prison, reported in part the result of their investigation, which said report was laid on the table and ordered to be printed.

The Speaker announced a communication from the board of Commissioners of internal improvement, which was laid upon the table, and ordered to be printed.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER,
Detroit, March 25, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the " Bill to organize the township of Columbia, in the county of Jackson," and respectfully inform you that the same has been concurred in and passed the Senate.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the same was ordered to be enrolled.

The Speaker, also announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }
March 25, 1839. }

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State,

"A joint resolution requesting the Executive to communicate with the Secretary of war in relation to arms," &c.

"An act authorizing Giles B. Kellogg to make partition and sale of certain lands."

S. T. MASON.

The following communication was received from the Senate :

SENATE CHAMBER,
Detroit, March 26, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "Act relative to ward elections in the city of Detroit, and for other purposes," and respectfully inform you that the same has passed the Senate, with amendments.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Mr. McKee, from the committee on towns and counties, reported back to the House the bill to them referred, "to alter the name of the township of Durham, and to legalize certain acts therein," the rule being suspended, the bill was read a third time and passed.

RESOLUTIONS.

Mr. Seeley called up the resolution by him laid upon the table yesterday, the same being under consideration, it was again laid upon the table.

The House then went into consideration of "The bill relative to ward elections in the city of Detroit, and for other purposes," and the amendments made thereto by the Senate were concurred in, and the bill ordered to be enrolled.

The Speaker announced the unfinished business of yesterday, when the House resumed the consideration of the amendments made by the Senate to "the bill to establish a State bank."

After some time spent thereon, the same was, on motion of Mr. Ormsby, laid upon the table, by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chase, | Mr. Levake, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Copeland, | Mr. Livermore, | Mr. Smith, |

Mr. Decker,
Mr. Finney,
Mr. Fitzgerald,

Mr. Mack,
Mr. McKee,

Mr. Stow,
Mr. Wixom,

25

NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Axford,
Mr. Chapin,
Mr. Davis,
Mr. Dort,
Mr. Durocher,
Mr. Eaton,

Mr. Goodwin,
Mr. Hammond,
Mr. Howland,
Mr. Jennings,
Mr. King,
Mr. Lowry,
Mr. Meacham,
Mr. Near,

Mr. Newton,
Mr. Patterson,
Mr. Pierce,
Mr. Renwick,
Mr. Sheldon,
Mr. Speaker,
Mr. Tackels,
Mr. Tucker,

24

Pursuant to leave, Mr. Smith laid upon the table the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby directed not to allow interest for moneys advanced to the State on the scale of State drafts, in accordance with an act "to authorize the Auditor General of the State to borrow money on the credit of certain instalments of the five million loan," until the same are paid out to, or on behalf of the State, except when the same are paid in funds which are, or may be, not less than a half per cent below par in the city of New York, in such case interest may be allowed, running back thirty days from the payment or advancing of such moneys—provided that the State shall not draw at any one time for a less sum than five thousand dollars.

The following message was received from the Senate :

SENATE CHAMBER.
Detroit, March 27, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the "Bill to provide for the renewal of sheriffs' and treasurers' bonds," which has passed the Senate with amendment.

I am also instructed to transmit to the House, "A bill for the relief of Martin Kundig," and respectfully inform you that the same has passed the Senate.

SAML YORKE AT LEE,
Secretary of the Senate.

And the bill relative to sheriffs' and treasurers' bonds; the amendments of the Senate were adopted, and the bill ordered to be enrolled.

The "Bill for the relief of Martin Kundig," was referred to the committee on ways and means.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act relative to ward elections in the city of Detroit and for other purposes."

The Speaker announced the following message from the Executive:

EXECUTIVE DEPARTMENT, }
March 27.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act relative to ward elections in the city of Detroit, and for other purposes."

S. T. MASON.

On motion of Mr. Hammond,

The "Bill to amend an act entitled an act to incorporate the Kalamazoo and Lake Michigan railroad company," approved March 28, 1836, was taken up; the same being under consideration,

On motion of Mr. Renwick, the same was indefinitely postponed, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Pond, |
| Mr. Clark, | Mr. Jennings, | Mr. Renwick, |
| Mr. Davis, | Mr. Lowry, | Mr. Seeley, |
| Mr. Decker, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Dort, | Mr. McKee, | Mr. Shurts, |
| Mr. Durocher, | Mr. Near, | Mr. Wixom, |

27 .

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Beaufait, | Mr. Hammond, | Mr. Speaker, |
| Mr. Chapin, | Mr. Hooker, | Mr. Stout, |
| Mr. Chase, | Mr. Little, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Goodwin, | | |

13

The bill to amend chapter three, title one, part third of the Revised Statutes, entitled "of circuit courts," was then taken up in committee of the whole, Mr. Tackels in the chair.

After some time spent thereon, the committee rose and reported the same back to the House, without amendment.

The same being under consideration,

On motion of Mr. Finney,

The House adjourned.

THURSDAY, MARCH 28.

The House met pursuant to adjournment, and the roll being called,

Prayer by the Rev. Mr. Duffield.

The journal of yesterday was read and approved.

REPORTS.

Mr. Adam, from the committee on education, to whom was referred the following entitled bills, from the Senate, reported the same back without amendment, and they were placed upon the general order :

“ A bill to incorporate the Marshall female seminary.”

“ A bill to incorporate the Grand river theological seminary.”

Mr. Acker, from the committee on education, reported a “ Bill to amend an act to incorporate the trustees of the Spring Arbor seminary,” which was referred to the committee of the whole, and ordered to be printed.

Mr. Goodwin, from the committee on university and school lands, to whom was referred the petition of sundry citizens of Southfield, in the county of Oakland, reported, that for the reasons hitherto assigned by the committee, they are of opinion that the price of the university lands in said township ought not to be reduced at this time.

RESOLUTIONS AND NOTICES.

Mr. Goodwin offered the following joint resolution, which was referred to the committee on ways and means.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General is authorized and hereby required to receive of the county treasurers the amount of State taxes assessed by said Auditor General to the respective counties for the year 1838, in all instances where the same are offered, in the manner pointed out by the Revised Statutes, and to settle with said treasurers accordingly.

Mr. Decker gave notice that at some future day he should ask leave to bring in a bill to authorize Joseph M. Riggs' administrator to convey real estate.

Mr. Wixom gave notice that on to-morrow he will ask leave

to introduce a bill to reduce the price of the university lands in the township of Southfield, in the county of Oakland.

On motion of Mr. Chapin,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating justices' courts as not to authorize a magistrate to discharge a person arrested on a warrant, without giving previous notice to the plaintiff of his being in custody.

On motion of Mr. Livermore,

Resolved, That the committee on the judiciary be requested to report, without delay, relative to the expediency of so amending the laws for the collection of debts before justices of the peace, that the cost taxable to defendant shall not exceed some specific sum, in accordance with a resolution of this House adopted January 16, 1839.

Mr. Finney called up his resolution, from the committee on internal improvement, "instructing the Auditor General to pay E. H. Lothrop a certain sum of money," and after some time spent thereon, the resolution was, on motion of Mr. Wixom, laid on the table.

Mr. Finney then called up his resolution, from the same committee, of the 27th of February, and after some time spent thereon, the resolution was, on motion of Mr. Fitzgerald, laid on the table.

Mr. Smith called up his joint resolution, laid upon the table yesterday, "instructing the Auditor General not to allow interest for moneys advanced to the State on the sale of State drafts," &c., and the question being on the consideration of the same, and the yeas and nays being called for by Mr. Renwick, the motion was lost, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Livermore, |
| Mr. A. Allen, | Mr. Finney, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chase, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |

Mr. Decker,
Mr. Dort,

Mr. Levake,

Mr. Wixom,

23

NAYS.

Mr. Acker,
Mr. L. Allen,
Mr. Axford,
Mr. Bacon,
Mr. Brown,
Mr. Copeland,
Mr. Davis,
Mr. Durocher,
Mr. Hammond,

Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. King,
Mr. Lowry,
Mr. Little,
Mr. Mack,
Mr. Meacham,

Mr. McKee,
Mr. Near,
Mr. Newton,
Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Renwick,
Mr. Tucker,

25

On motion of Mr. Adam,

The "Bill to establish a State bank," with the amendments from the Senate, was re-committed to the committee on banks and incorporations, with instructions to restore the amendments of the Senate, and recommend to the House their concurrence in the same.

The committee, after a brief sitting, returned, and by their chairman, made the following report :

Mr. Speaker: The committee on banks and incorporations, to whom was re-committed the bill to establish a State bank, together with the several amendments made thereto by the Senate, with instructions, have directed me to report the same back to the House, with the amendments as they were adopted by the Senate, and to recommend that said amendments be concurred in by the House.

THOMAS FITZGERALD, *Chairman*,

The question being on concurring with the report of the committee, and taken by yeas and nays, the same was adopted by the following vote :

YEAS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. Bacon,
Mr. Beaufait,

Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Hammond,
Mr. Hooker,

Mr. Newton,
Mr. Patterson,
Mr. Pierce,
Mr. Renwick,
Mr. Saunders,

| | | |
|---------------|----------------|--------------|
| Mr. Brown, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. King, | Mr. Sheldon, |
| Mr. Chase, | Mr. Little, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Copeland, | Mr. Mack, | Mr. Tackels, |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Eaton, | | |

37

NAYS.

| | | |
|---------------|------------|--------------|
| Mr. Davis, | Mr. Lowry, | Mr. Pond, |
| Mr. Durocher, | Mr. McKee, | Mr. Speaker, |
| Mr. Goodwin, | | |

7

The bill was then read a third time and passed, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. Adam, | Mr. Gibbs, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hammond, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Howland, | Mr. Saunders, |
| Mr. Brown, | Mr. Hooker, | Mr. Seeley, |
| Mr. Chapin, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Copeland, | Mr. Livermore, | Mr. Spcaker, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |
| Mr. Finney, | | |

40

NAYS.

| | | |
|---------------|--------------|------------|
| Mr. Davis, | Mr. Goodwin, | Mr. McKee, |
| Mr. Durocher, | Mr. Lowry, | Mr. Pond, |

6

On motion of Mr. Adam,

The bill to amend chapter third, title first, part third, of the Revised Statutes, entitled " of the circuit courts," was taken up, amendments proposed by Mr. Wixom and Mr. Smith, and after discussion thereon, Mr. Acker moved a call of the House, which being sustained, and the roll being called, the members were pre-

sent, with the exception of Messrs. Levake, Ormsby, Mead and Stout.

On motion of Mr. Adam,

Further proceedings in relation to the call of the House were suspended, and the question being taken by yeas and nays, on a motion of Mr. Acker to strike out all after the enacting clause, the same was sustained by the following vote :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Patterson, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pond, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Clark, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Davis, | Mr. Mack, | Mr. Shurts, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Durocher, | Mr. Near, | Mr. Tucker, |

27

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Little, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Copeland, | Mr. Hammond, | Mr. Speaker, |
| Mr. Dort, | Mr. King, | |

20

Mr. Fitzgerald then moved to lay the enacting clause on the table, which was sustained, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mack, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, |
| Mr. Dort, | Mr. Little, | Mr. Tucker, |
| Mr. Eaton, | Mr. Livermore, | Mr. Wixom, |
| Mr. Finney, | | |

26

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Pond, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. Near, | 20 |

Mr. Bacon moved the indefinite postponement thereof, and the same was lost, as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pond, |
| Mr. Axford, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Brown, | Mr. Meacham, | Mr. Speaker, |
| Mr. Davis, | Mr. Near, | Mr. Tackels, |
| Mr. Durocher, | Mr. Newton, | 20 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Livermore, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Mack, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chase, | Mr. Grovier, | Mr. Seeley, |
| Mr. Clark, | Mr. Hammond, | Mr. Shurts, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Tucker, |
| Mr. Dort, | Mr. Little, | Mr. Wixom, |
| Mr. Eaton, | | 28 |

And the enacting clause of said bill lays upon the table.

On motion of Mr. Eaton,

The special order of the day, being the Senate "Bill making special appropriations, and for other purposes," was taken up in committee of the whole, Mr. Davis in the chair, and the committee rose and reported the same without amendment.

The House having the bill under consideration,

On motion of Mr. Goodwin,

Amendments were made thereto, the bill read a third time and passed.

The House then went into consideration of the "Bill establishing the counties of Kishcaugo and Mohegan, and defining the boundary lines of the county of Sanilac."

The report of the committee of conference was concurred in, with the exception of the amendment made by the Senate to the third section, relative to the boundary lines of the counties of Lapeer and St. Clair, which was non-concurred in, and,

On motion of Mr. Adam,

Another committee of conference was appointed, consisting of Messrs. Adam, Goodwin and Acker.

On motion of Mr. Copeland,

The "Bill to provide for the government and discipline of the State prison," was made the special order for to-morrow.

On motion of Mr. Acker,

The "Bill to regulate sales at auction, and for other purposes," was taken up, amended on motion of Mr. Goodwin, read a third time and passed.

On motion of Mr. Lowry,

The "Bill to provide for the assessment and payment of damages caused by location and construction of railroads and canals in certain cases," was taken up in committee of the whole, Mr. Axford in the chair.

The committee rose and reported the same back without amendment.

The bill being under consideration, was, on motion of Mr. Goodwin, referred to the committee on the judiciary.

On motion of Mr. Chapin,

The House adjourned.

FRIDAY, MARCH 29.

The House met pursuant to adjournment, and on calling the roll, Messrs. Mead and Ormsby were absent.

Prayer by the Rev. Mr. Duffield.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Bacon. Of citizens of Dundee, Monroe county, praying that real estate and personal property may be made available by appraisement, in payment of debts; referred to the committee on the judiciary.

By the Speaker. Claim of E. Taylor for certain services; referred to the committee on claims.

REPORTS.

Mr. Renwick, from the committee on ways and means, reported a "Bill to authorize the county of Washtenaw to loan money;" referred to the committee of the whole, and ordered to be printed.

Mr. Mack, from the same committee, reported back to the House, the petition of H. E. Perry and others, for the passage of a law providing for the appointment of an inspector of lumber, which was referred to them, and asked its reference to the select committee to whom was referred the petition of N. B. Carpenter. Said petition so referred.

Also, the communication of Henry Howard, Esq., relative to "school fund," and asked the reference of the same to the committee on education. So referred.

Also, reported back the bill from the Senate, to them referred, entitled "A bill for the relief of Martin Kundig;" referred to the committee of the whole.

RESOLUTIONS AND NOTICES.

Mr. Howland laid the following joint resolution on the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the fiscal agent of this State be instructed to charge to the account of the State treasury, all money advanced to the members and officers of this Legislature, as pay for their services; and that he also be instructed to furnish to the President of the Senate, and to the Speaker of the House of Re-

presentatives, a statement of all money thus advanced, specifying the amount advanced to each member or officer.

Resolved, That the President of the Senate, and the Speaker of the House of Representatives, in making out the certificates of the amount due for services to the several members and officers of this Legislature, be authorized to deduct the amount advanced to such member or officer by the fiscal agent.

The Speaker announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }
March 29th, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

“ An act to authorize the Auditor General to obtain money on the credit of certain instalments of the five million loan.”

S. T. MASON.

Mr. Finney called up his resolution, laying on the table, instructing the Auditor General to pay a certain sum of money to E. H. Lothrop.

The same being under consideration,

Mr. Renwick moved to re-commit the resolution to the committee on internal improvement, with instructions that said committee have power to send for persons and papers, which motion was sustained and the resolution re-committed.

Mr. Wixom, pursuant to leave, introduced a “ Bill to reduce the price of university lands in the county of Oakland ;” referred to a select committee of three.

The Speaker announced as said committee, Messrs. Wixom, Goodwin and Davis.

Mr. Finney called up his resolution, laid on the table yesterday, relative to the transfer of certain accounts in the office of the Auditor General.

The same being under consideration,

Mr. Adam moved so to amend the resolution that the account should be charged to the internal improvement fund, which was lost.

The question being then taken on the original resolution, the same was adopted by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Livermore, |
| Mr. L. Allen, | Mr. Finney, | Mr. Mack, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Near, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Newton, |
| Mr. Brown, | Mr. Grovier, | Mr. Pierce, |
| Mr. Chapin, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Chase, | Mr. Howland, | Mr. Speaker, |
| Mr. Clark, | Mr. Jennings, | Mr. Stout, |
| Mr. Copeland, | Mr. King, | Mr. Tackels, |
| Mr. Davis, | Mr. Lowry, | Mr. Wixom, |
| Mr. Dort, | Mr. Little, | |

35

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Adam, | Mr. Hooker, | Mr. Pond, |
| Mr. A. Allen, | Mr. Meacham, | Mr. Renwick, |
| Mr. Durocher, | Mr. Patterson, | Mr. Seeley, |

9

At this stage of proceedings, Mr. Copeland asked and obtained leave of absence for Mr. Ormsby until Monday.

The bill for a third reading, entitled a "Bill to authorize a loan of money to the White Pigeon beet sugar company," was then taken up, read a third time, and,

On motion of Mr. Acker,

Amended by Mr. Fitzgerald, the bill was so amended in the fifth line, as to read "belonging to the internal improvement fund, or any other funds belonging to the State, now in deposits in the Michigan State bank."

Mr. Fitzgerald moved further to amend by inserting "ten" in the place of "five," so that the bill should authorize the loan of a sum of money not exceeding ten thousand dollars, which motion was lost.

Mr. Acker moved to strike out all after the enacting clause, and the same was, on calling the yeas and nays, negatived, as follows:

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Patterson, |
| Mr. Adam, | Mr. Finney, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pond, |

| | | | |
|---------------|----------------|---------------|----|
| Mr. Axford, | Mr. Howland, | Mr. Saunders, | |
| Mr. Bacon, | Mr. King, | Mr. Sheldon, | |
| Mr. Davis, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Near, | | 23 |

NAYS.

| | | | |
|-----------------|--------------------------|--------------|----|
| Mr. L. Allen, | Mr. Hammond, | Mr. Newton, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Chase, | Mr. Lowry, | Mr. Shurts, | |
| Mr. Clark, | Mr. Levake, | Mr. Smith, | |
| Mr. Copeland, | Mr. Little, ¹ | Mr. Stout, | |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. Meacham, | Mr. Wixom, | |
| Mr. Goodwin, | | | 25 |

On motion of Mr. Wixom,

As amended by Mr. Pond, the bill was amended by striking out all after the enacting clause, and inserting the following :

A bill to authorize the Superintendent of Public Instruction to loan certain moneys to the White Pigeon beet sugar company.

Section 1. That the Superintendent of Public Instruction be, and he is hereby, authorized and required to loan to the White Pigeon beet sugar company, of the county of St. Joseph, the sum of five thousand dollars out of the funds arising from sale of university or school lands, so soon as that amount shall come into his hands, that can, in his estimation, be consistently so loaned : *Provided*, said company shall secure the payment thereof, by mortgage on unincumbered, improved real estate, to double the amount of the sum so to be loaned.

Which amendment was sustained by yeas and nays, as follows :

YEAS.

| | | | |
|---------------|--------------|--------------|--|
| Mr. Adam, | Mr. Gibbs, | Mr. Meacham, | |
| Mr. A. Allen, | Mr. Goodwin, | Mr. McKee, | |
| Mr. Axford, | Mr. Grovier, | Mr. Newton, | |
| Mr. Bacon, | Mr. Hammond, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Seeley, | |

| | | |
|-----------------|----------------|--------------|
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Jennings, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Copeland, | Mr. Levake, | Mr. Speaker, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, |
| Mr. Finney, | Mr. Mack, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

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NAYS.

| | | |
|---------------|-------------|---------------|
| Mr. Acker, | Mr. Lowry, | Mr. Renwick, |
| Mr. L. Allen, | Mr. Near, | Mr. Saunders, |
| Mr. Durocher, | Mr. Pierce, | Mr. Tucker, |
| Mr. Eaton, | | |

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Mr. Acker moved to amend the bill as follows :

"Or to any other company or individual engaged in like business, with like security," which motion was lost.

The question being on the passage of the bill as amended, the same was passed by yeas and nays, as follows :

YEAS.

| | | |
|-----------------|---------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Livermore, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Mack, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Meacham, |
| Mr. Beaufait, | Mr. Hammond, | Mr. McKee, |
| Mr. Chapin, | Mr. Howland, | Mr. Pond, |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, |
| Mr. Clark, | Mr. Jennings, | Mr. Shurts, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Dort, | Mr. Lowry, | Mr. Stout, |
| Mr. Finney, | Mr. Levake, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Little, | Mr. Wixom, |

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NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Eaton, | Mr. Renwick, |
| Mr. Axford, | Mr. Near, | Mr. Saunders, |
| Mr. Bacon, | Mr. Newton, | Mr. Sheldon, |
| Mr. Davis, | Mr. Patterson, | Mr. Speaker, |
| Mr. Durocher, | Mr. Pierce, | Mr. Tackels, |

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The special order of the day being the "Bill to provide for the

discipline and government of the State prison," the House resolved itself into committee of the whole on the same, Mr. Eaton in the chair.

After some time spent thereon, the committee rose, reported the bill back to the House, asked and obtained leave to sit again.

A motion was made that the House adjourn so as to adjourn until Monday.

On calling the yeas and nays, the same was lost, by the following vote:

YEAS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. Acker, . | Mr. Goodwin, | Mr. Renwick, | |
| Mr. A. Allen, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. L. Allen, | Mr. Hammond, | Mr. Shurts, | |
| Mr. Clark, | Mr. Hooker, | Mr. Smith, | |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, | |
| Mr. Eaton, | Mr. Little, | Mr. Tucker, | 18 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. Near, | |
| Mr. Axford, | Mr. Finney, | Mr. Newton, | |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Pond, | |
| Mr. Chase, | Mr. Meacham, | Mr. Seeley, | |
| Mr. Copeland, | Mr. McKee, | Mr. Wixom, | |
| Mr. Dort, | | | 22 |

Mr. Little moved that "the bill to incorporate the Genesee and Saginaw navigation company," be made the special order of the day for Monday, which motion was lost.

Mr. Hammond moved that "the bill to promote the cultivation of the mulberry and encourage the silk manufacture," be made the special order for Monday, which was lost.

Mr. McKee, pursuant to leave, reported a "Bill to vacate part of the village of Flint;" referred to committee of the whole.

On motion of Mr. Hammond,

The House then adjourned until Monday.

MONDAY, APRIL 1.

The House met pursuant to adjournment, and on calling the roll, Messrs. Axford, Beaufait, Chase, Clark, Decker, Eaton, Grovier, Jennings, Near, Saunders, Sheldon, Tackels and Wixom, were absent.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read and corrected.

ABSENCE.

Mr. Livermore asked and obtained leave of absence for Messrs. Chase, Clark and Decker, till to-morrow, and for Mr. Wixom until Wednesday.

Mr. Howland for Mr. Jennings, until Wednesday.

Mr. Acker for Mr. Axford until to-morrow, and for Mr. Tackels until Wednesday.

Mr. Dort for Messrs. Sheldon, Saunders and Eaton, till to-morrow.

Mr. Chapin for Mr. Beaufait.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred bill No. 28, from the Senate, "to incorporate the Berrien mutual insurance company," reported the same back without amendment; referred to the committee of the whole.

Also, reported back without amendment, "A bill to amend an act to incorporate the Saginaw and Genesee railroad company."

Also, reported a bill supplementary to the act entitled "An act to establish a State Bank;" referred to the committee of the whole, ordered printed, and made the special order of the day for Thursday next.

Also the following report:

The committee on banks and incorporations, to whom was referred the remonstrance of forty citizens of the village of Jackson, against the passage of any act by this Legislature to incorporate said village, would, in justice to those who have signed the same, report it back to the House, with a request that it be read and laid on the table.

Mr. Fitzgerald, from the select committee, to whom was refer-

red certain petitions from inhabitants of Oakland and Livingston counties, made the following report :

The select committee, to whom was referred sundry petitions and remonstrances from citizens of Oakland and Livingston counties in relation to a change in the boundary line between said counties, respectfully report :

That from the documents referred to them, and the admissions of gentlemen representing the various interests concerned, it appears that the inhabitants of the townships of Rose, Highland, Milford and Lyon, (proposed to be attached from Oakland to Livingston, and who are supposed to be more immediately concerned in the decision of the matter referred to your committee,) are pretty equally divided, as are also the inhabitants of Livingston county, in relation to the proposed alteration, while the inhabitants of that part of Oakland east of said townships, are unanimously opposed to any alteration.

By granting the prayer of the petitioners, the two counties would be rendered more equal in regard to territory, population and wealth, and would, in regard to size, be better proportioned ; and it may justly be regretted that the alteration now proposed was not made at an earlier period, when it might have been done without any just cause of objection. Yet your committee are of opinion that a majority of the citizens of both counties, if not a majority of those residing in the above named townships, are opposed to any alteration, and that no permanent good would result from any legislative action at this time ; they, therefore, ask to be discharged from the further consideration of the subject.

And the committee were thereupon discharged from the further consideration of the subject.

Mr. Fitzgerald, from the select committee, to whom was referred sundry petitions of citizens of Ottawa county, in relation to county site of said county, reported "A bill to provide for the location of the seat of justice in the county of Ottawa ;" re-placed upon the general order, and ordered to be printed.

Mr. Gibbs, from the judiciary committee, reported back to the House a bill from the Senate "to provide for the collection of demands against boats and vessels ;" which bill was made the special order of the day for to-morrow.

Also, the Senate bill "to provide for the appointment of circuit attorneys, and to define their duties," with amendments, which was placed upon the general order.

Also, the following report, which was laid on the table :

The judiciary committee, to whom was referred a bill repealing an act approved March 21st, 1839, and an act supplementary thereto, approved April 6th, 1838, appropriating fifty thousand dollars for the construction of a ship canal around the Falls of St. Mary, report :

That they have considered so much of the subject as it was their province to examine, viz: the effect of such repeal upon the rights of contractors engaged upon that work. The committee conclude that the State cannot properly rescind contracts made with individuals upon her works of internal improvement, in the absence of any previous violation or neglect on the part of those individuals. A repeal of the two acts in question without previous arrangement with contractors performing their contracts, and without their assent, would be violating the faith of the State towards them.

The abandonment of the work in question, is a subject which the committee do not feel called upon to examine, but would respectfully suggest that the committee on internal improvement be instructed to investigate that matter, and if the abandonment of the work is decided upon, to report measures for an amicable adjustment of the claims of contractors.

Also, the following, which was laid on the table :

The committee on the judiciary, to whom was referred the petition of two hundred and forty citizens of the county of Allegan, praying that the apportionment law of the last session of the Legislature, so far as it relates to the county of Allegan, may be repealed, report :

That the decision of this House in the former part of its session, upon the claim of Elisha Ely to a seat, involved also a decision of the constitutional question now sought to be raised by the petitioners. The committee deem it inexpedient to open the question for discussion at the present session, and they therefore ask to be discharged from the further consideration of the subject, and recommend that the petitioners have leave to withdraw the petition.

Mr. Finney, from the committee on internal improvement, reported a bill to authorize the Commissioners of internal improvement to settle and allow certain claims of individuals for damage, by running the cars on the Central railroad; referred to committee of the whole, and ordered to be printed.

Also, reported back to the House the resolution instructing the Auditor General to pay E. H. Lothrop a certain sum of money, with the statement, that, in the opinion of the committee, the Auditor General had exceeded his jurisdiction in refusing to audit and pay the amount in question, and that the resolution ought to pass; and the report was laid upon the table.

Also, that the committee be discharged from the further consideration of petitions praying for an appropriation on the western end of the Central railroad. Laid on the table.

Also, that the prayer of Dwight Kellogg, in relation to damages occasioned by the construction of the Central railroad, is answered and provided for in the bill requiring the appointment of State commissioners to appraise damages on all public works.

And that the petition of sundry citizens of Detroit, praying that the Commissioners of internal improvement may be invested with power to establish a railroad depot in the city of Detroit, when the public interest may require it, is also answered by the provisions of the bill regulating the duties and powers of said Commissioners.

Which was laid on the table.

Also the following, which was laid upon the table:

The committee on internal improvement, having had under consideration sundry petitions for a railroad from Havre to Dearbornville, or to Detroit, have instructed me, as their chairman, to report the same back to the House, with the opinion of the committee that it is inexpedient to legislate upon the subject, and to ask to be discharged from further considerations. And in consequence of the embarrassed state of our finances, the committee would recommend the passage of the following resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioners of internal improvement be and they are hereby instructed to suspend all further

expenditure of money appropriated for the construction of the Havre branch railroad.

Also, the following, which was laid upon the table :

The committee on internal improvement, to whom was referred the petition of P. Spalding and others, beg leave to report the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That all proceedings of the Commissioners of internal improvement for constructing a railroad north of the river in and near the city of Monroe, be hereby suspended.

Also, the following report, which was laid upon the table :

The committee on internal improvement have had under consideration certain resolutions, petitions and remonstrances relating to the location of the Red Cedar and Grand river branch of the Clinton and Kalamazoo canal, and instruct me as their chairman to submit the following report :

That upon examination of the report of Jarvis Hurd, Esq., who surveyed the route, your committee find a vast difference in the expense between the two routes. The distance of the line through the counties of Ingham, Eaton, Barry and Allegan, from the centre of Livingston, is one hundred and forty-four miles, and the estimated expense \$2,500,623 32.

The distance from that point to Lyons, at the junction of Grand and Maple rivers, is sixty-eight miles, and the estimated expense \$1,217,196 91, making a difference of \$1,281,426 41 in the expense, and seventy-three miles of canaling. And it appears by the report, that some thirty miles of the Lookinglass river might be used instead of a canal, by only making a tow path upon the bank, which would lessen the expense several thousand dollars, and shorten the time for its completion. With these facts, your committee are of opinion that if the State be obliged to suspend any of the contemplated works until the country shall recover from its present dilemma, it will be decidedly advisable to run the line of the route to the navigable waters of Grand river.

Your committee would recommend the immediate location of the branch asked for, were it not for a resolution which they adopted at the early part of the session, to report against the extension of, or addition to the present system of improvement.

It was believed that the State could not sustain the numerous works already commenced, and that it would be advisable to cut off all extra expenditures, and to establish a line of canal and river navigation, and railroad thoroughfares, upon the most feasible routes, across the peninsula. But at the present time, such is the situation of the internal improvement fund, it was deemed prudent and advisable not to recommend a location of that route this season, but to instruct, by resolution, the board of Commissioners to suspend all operations west of Howell, in Livingston county, and leave the subject open to investigation. The faith of the State stands pledged to carry that work across the State, and should be redeemed with fidelity; but if it be found inexpedient to construct the whole work, there can but little doubt exist as to the propriety of cutting a branch to the tributary waters of Grand river, which will afford steamboat navigation the distance of one hundred miles, and open a communication from the River St. Clair and Lake Michigan. Your committee would submit the following resolution.

N. H. FINNEY,

Chairman.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioners of internal improvement be and they are instructed to suspend all operations on the Clinton and Kalamazoo canal west of Livingston county.

And the resolution was laid on the table.

Mr. Bacon, from the committee on the judiciary, reported a bill entitled an "An act confirming the conveyance of the trustees of the French catholic church of Monroe to the Rt. Rev. Frederick Rose, bishop of Detroit." Placed on the general order, and directed to be printed.

Mr. Renwick, from the committee on roads and bridges, reported a bill to provide for the laying out and establishing certain State roads, placed upon the general order and ordered to be printed.

Mr. Livermore, from the committee on printing, reported back the bill making appropriations for John S. Bagg, State Printer, with amendments, and the same was laid on the table.

Mr. Adam, from the committee on education, reported "A bill

relative to primary schools in the city of Detroit," which was placed upon the general order, and ordered to be printed.

Mr. Brown, pursuant to notice, introduced a bill entitled "An act to repeal certain acts relative to banking associations;" referred to committee on banks and incorporations.

Mr. Dort, from the select committee on Revised Statutes, reported that further proceedings on their part were unnecessary, and asked for and obtained the discharge of the committee from further consideration of the subject.

Mr. Davis, from the select committee, to whom was referred the bill to reduce the price of the university lands situated in the township of Southfield, Oakland county, reported the same back with a substitute therefor; referred to the committee of the whole and ordered printed.

Mr. Bacon, from the judiciary committee, reported back to the House the bill to authorize Mary Ann Whitney to convey real estate: placed upon the general order.

Mr. Adam, from the select committee on certain resolutions of the General Assembly of North Carolina, made the following report, which was laid upon the table:

Whereas, the General Assembly of the State of North Carolina have passed a preamble and resolutions in the words following:

"Resolutions relative to the General Government.

"Whereas, we believe that a great crisis has arrived in the political history of our country, on the issue of which we conceive the safety of our free institutions to depend; and whereas we consider it our bounden duty, as the Representatives of the freemen of North Carolina, to express, in calm and dispassionate language, our opinions on the great questions which have been for some time, and some of which still are, agitating the public mind:

"1. *Resolved, therefore,* That this General Assembly do condemn, in the most decided manner, that act of the Senate of the United States, *expunging* the records of that body, as a palpable violation of the plain letter of the constitution, and as an act of party servility, calculated to degrade the character of the Senate.

"2. *Resolved,* That resolutions ought to be passed by the Se-

nate of the United States, condemnatory of that act, and rescinding the resolution authorizing it to be done.

"3. *Resolved*, That this General Assembly do condemn the sub-treasury system which this administration is endeavoring to establish, as another item in that series of fatal experiments of this and the past administration, which are the main source of that derangement in the currency and prostration of commercial credit, that have been so severely felt of late in every branch of industry; and which, if suffered to become a law, will, by its tendency to augment executive power, to unite the purse and the sword in the hands of the Executive, and to destroy the credit system, by the exaction of specie in the government dues, ultimately change the real character of our government, and place in peril the liberties of our country.

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"4. *Resolved*, That we consider the public lands of the United States as the common property of all the States, and that we therefore condemn the late act of Congress, allowing settlers on the public lands the right of pre-emption at the minimum price, as an act of gross injustice to the old States, who originally ceded them, or who contributed to a common fund for their purchase.

"5. *Resolved*, That we believe the proper and equitable disposition of the public domain, is to divide the proceeds arising from sales among the several states of the Union, according to the ratio of their federal population.

"6. *Resolved*, That we do most solemnly protest against the wasteful extravagance of the present administration, and their profligate expenditure of the public money, which not only creates a demand for heavy taxation in order to meet the exorbitant appropriations of the general government, but which tends to the corruption of public morals and the degradation of the national character.

"7. *Resolved*, That the power and patronage of the Executive department of the federal government have increased to an alarming extent, and ought to be diminished.

"8. *Resolved*, That our Senators in Congress will represent the wishes of a majority of the people of this State, by voting to carry out the foregoing resolutions.

"9. *Resolved*, That the Governor of this State be requested to

forward a copy of these resolutions to each of our Senators in Congress, with a request that they lay them before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request that they lay them before their respective legislatures.

"State of North Carolina, read three times and ratified in General Assembly, this 28th day of December, A. D. 1838."

And whereas, in pursuance of one of the aforesaid resolutions, a copy of the same was forwarded to the Executive of this State, and in pursuance of the request therein contained, was laid before the Legislature of this State:

And whereas, the General Assembly of North Carolina, in directing said resolutions to be transmitted to the legislatures of the several States, must have intended thereby to convey to the other States of the Union their views on the several topics therein embraced, in anticipation that the same would be responded to by the legislatures of her sister States:

Therefore, notwithstanding we might deem the passage of such resolutions as scarcely coming within the proper scope of our duties as a State Legislature, yet in accordance with the precedents set by the legislatures of most of our sister states, and in reply more especially to the above resolutions of the majority of the General assembly of North Carolina:

1. *Resolved*, That this legislature do *approve* in the most decided manner, of that act of the Senate of the United States by which was "expunged" from their records a former resolution of that body, who, by the constitution of the United States, have "*the sole power to try all impeachments*," virtually impeaching the President of the United States, as being a palpable violation of the spirit and intent of that instrument, and as an extra-judicial prejudication of an alleged violation of the constitution on the part of the Chief Magistrate of the Union—so alleged and adjudged to be by the very individuals constituting that tribunal, who, if said chief magistrate had been impeached by the other branch of Congress, who alone could constitutionally prefer an impeachment, would, with the Chief Justice of the supreme court of the United States presiding, have been the sole triers and judges of the validity of such impeachment, thus evidently and

entirely disqualifying themselves from acting as an impartial and unprejudiced tribunal.

2. *Resolved*, That we trust that the aforesaid act of the Senate of the United States, in expunging said resolution from their records, will remain a warning to all in like high stations disposed to assume and exercise, for political effect or selfish purposes, powers clearly unconstitutional and improper, as fatal experience may convince them that such assumptions will never be tolerated but will with certainty be rebuked by an intelligent and vigilant constituency.

3. *Resolved*, That this Legislature approve of the independent treasury system for the collecting and disbursing of the national revenue, recommended by the last and present administrations of the general government, as one main and most important step towards bringing back the government to that plain, simple, republican track from which its connection with associated wealth, and the unproductive and non producing moneyed would-be aristocracy of the country, has been one great means of forcibly and unavoidably leading it astray; and as tending to restrain the government from lending further countenance and aid, to that extravagant over-expansion of credit, and consequent over-trading and over-living, which invariably has resulted, and must result in all countries in national distress and individual bankruptcy and ruin; and as altogether undoing all possibility of executive influence over the most powerful and most influential institutions of the country, by withholding all opportunity of seducing those interested in them, to the support of an existing administration from the hope or promise of any patronage or benefit left in the power of the Executive to bestow upon them.

4. *Resolved*, That we believe the pre-emption law, so called, to be in strict accordance with the principles and uniform policy of that party, under whose more peculiar and fostering care the new states of the Union have so multiplied and extended; and that we are particularly surprised that the state which had the honor to give birth to Daniel Boone, that most illustrious and renowned pioneer of pioneers of the "Great West," should be found in opposition to the policy of granting a pitiful pittance of land, and that too upon paying the usual and the almost invariably paid

price of public lands, in return for opening a way in the wilderness, and braving and encountering all the dangers and hardships incident to such an enterprise.

5. *Resolved*, That we are opposed to a distribution of the proceeds of the sales of the public lands amongst the several States, as tending only to empty the national treasury, for the purpose of collecting a necessarily greater amount of revenue from the pockets of the people by indirect taxation to defray the expenses of the general government; and that we believe, unless the income from the public domain is retained and applied for the purpose of liquidating the expenses incurred by its purchase and survey, and lightening the otherwise more heavy burthen of taxation upon the people, that the lands ought to be ceded to the States in which they lie, upon refunding or guaranteeing the re-payment to the general government of the expenses of the original purchase and survey; and that it may well be doubted whether the new States can be said to have been admitted "on an equal footing in all respects whatsoever, with the original States," unless full and complete and exclusive jurisdiction, ownership and control of all the unappropriated lands within their limits, shall be granted to, or possessed by said new States.

6. *Resolved*, That we do most solemnly protest against the long established practice of the political opponents of the last and present administrations of the general government, in voting extravagant appropriations of the public moneys, beyond the estimates or requirements of the several executive departments, and then making a charge of "profligate expenditure" upon the administration, who are bound by the Constitution and their solemn oath, to "take care that the laws be faithfully executed," to see that the public moneys are applied according to the appropriations made by law, and who cannot draw from the public treasury a solitary cent without such appropriation.

7. *Resolved*, That notwithstanding the cavils and idle cry of their opponents about "executive influence and executive patronage," we believe that the late and present administrations of the general government, by their measures and recommendations, have more earnestly endeavored, and done more to effect a decrease and diminution of that influence and patronage, and the

dangers of corruption arising therefrom, than all or any of their political adversaries.

8. *Resolved*, That we believe, in the event of any crisis occurring, threatening danger to our republican institutions, that the "Wolvereen," will be heard barking as soon as, (if not much sooner than) "Old Rip Van Winkle" will be found awake.

9. *Resolved*, That our Senators in Congress be, and they are hereby instructed and requested, to use their best influence and exertions to carry out the principles of the above resolutions of this Legislature, as by doing so, they will represent the well known wishes and views of a majority of the people of this State.

10. *Resolved*, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators in Congress, with a request that they lay the same before the Senate of the United States; and also two copies to each of the Governors of the several States of the Union, with a request that they lay the same before the Legislatures of their respective States.

Mr. Ormsby, from the committee on towns and counties, reported a bill to change the name of the village of Hartford, in the county of Washtenaw, to that of "Lima," and the rule was suspended, the bill read a third time and passed.

Mr. Renwick, from the select committee on that subject, reported back the "Bill to provide for the assessment and collection of taxes for the year 1836, and for other purposes," with amendments, and the same lies upon the table.

Mr. King, from the committee on enrolment, reported as correctly enrolled "An act to establish the State Bank of Michigan."

RESOLUTIONS AND NOTICES.

On motion of Mr. King,

Resolved, That an assistant enrolling clerk for this House be employed during the remainder of the present session, and that he be paid for his said services at the same rate as the clerks of this House are paid.

On motion of Mr. Hammond,

The Speaker was authorized to make the appointment.

The Speaker appointed as such, S. Humes Porter, Esq.

Mr. Acker laid the following resolution on the table :

Resolved, That (if the Senate concur,) this Legislature will adjourn on Monday, the 15th day of April next.

Mr. Ormsby laid the following resolution on the table :

Resolved, (if the Hon. Senate concur herein,) That the two Houses proceed to-morrow to the election of a United States Senator, after the manner prescribed by the Revised Statutes for that purpose.

Mr. Mack gave notice that he will to-morrow, or on some future day, ask leave to introduce "A bill to incorporate the Detroit typographical society."

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the following bills :

A bill to provide for the removal of the seat of justice of Hillsdale county from the village of Jonesville to the village of Hillsdale.

A bill to alter the name of the township of Dunham, and to legalize certain acts therein, which have severally passed the Senate.

I am also instructed to return to the House the " Bill to provide for the collection of certain unpaid taxes in the township of Montuagon, Wayne county."

Also the " Bill to incorporate the Grass Lake academy and teachers' seminary," which have severally passed the Senate with amendments thereto attached.

I am also instructed to transmit to the House a joint resolution relative to referring report of Bank Commissioner to the Attorney General, which has passed the Senate, and respectfully ask the concurrence of the House therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the amendments to said bills were severally concurred in, and the bills ordered to be enrolled, and the said joint resolution laid upon the table.

Also, the following :

SENATE CHAMBER,
Detroit, March 29, 1839. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to return to the House of Representatives the following bills, viz :

A “ Bill to establish certain township lines in the county of St. Clair, and for other purposes.”

A “ Bill for the further distribution of the revised code, and for other purposes.”

A “ Bill to amend chapter 1, title 10, part 1 Revised Statutes, entitled, of religious societies.”

Also, a “ Bill for the relief of Calvin C. Parks and others,” and respectfully inform you that the same have severally passed the Senate.

SAMUEL YORKE AT LEE,

Secretary of Senate.

And the “ Bill to establish certain township lines in the county of St. Clair, and for other purposes,” was referred to the committee on towns and counties.

The “ Bill providing for the further distribution of the revised code, and for other purposes,” was referred to the committee on the judiciary.”

Also the “ Bill to amend chapter 1, title 10, part 1, Revised Statutes, of religious societies.”

And the “ Bill for the relief of Calvin C. Parks and others,” were severally referred to the judiciary committee.

Also, the following :

SENATE CHAMBER,
Detroit, April 1, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the “ Bill to amend the revised law in relation to taverns and other licensed houses,” which has passed the Senate with amendments.

I am also instructed to transmit to the House the “ Bill making special appropriations, and for other purposes,” and respectfully inform you that the Senate do refuse to concur in the amendments thereto by the House.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the "Bill to amend the revised law in relation to taverns and other licensed houses," being under consideration, the House non-concurred in the amendments made by the Senate, and appointed Messrs. Goodwin, Acker and Livermore a committee of conference thereon.

The "Bill making special appropriations, and for other purposes," being under consideration, the House recessed from their amendment thereto, and the bill was passed.

On motion of Mr. Howland,

The "Bill to abolish certain State offices, and for other purposes," was made the special order for Wednesday next.

On motion of Mr. Adam,

The "Bill to amend the chapter of the Revised Statutes entitled of primary schools," was made the special order for to-day.

On motion of Mr. Hammond,

The "Bill to promote the culture of the mulberry tree, and to encourage the manufacture of silk in the State of Michigan," was made the special order for to-morrow.

On motion of Mr. Finney,

His resolution authorizing the Auditor General to pay a certain sum of money to E. H. Lothrop, was made the special order of the day for Wednesday next.

On motion of Mr. Acker,

The "Bill to incorporate Marshall college," was placed upon the special order for to-morrow.

Mr. presented the claim of Mr. A. Allen, for expenses on State prison committee; referred to committee on claims.

On motion of Mr. Ormsby,

The "Bill to incorporate the Portage turnpike and bridge company," was made the special order for Wednesday next.

On motion of Mr. Copeland,

The House again went into committee of the whole on the "Bill to provide for the government and discipline of the State prison," Mr. Ormsby in the chair, and after some time spent thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Acker,

The House adjourned.

TUESDAY, APRIL 2.

The House met pursuant to adjournment.

On calling the roll, Messrs. Brown, Chase, Clark, Decker, Eaton, Jennings, Newton, Mead, Saunders, Sheldon, Tackels and Wixom, were absent.

Prayer by the Rev. Mr. Bory.

The journal of yesterday was read and amended.

Mr. Livermore asked and obtained further leave of absence for Messrs Chase, Clark and Decker, until to-morrow.

Mr. Renwick, for Messrs. Mead and Newton, on account of indisposition.

REPORTS.

Mr. Howland, from the minority of the committee, to whom was referred the bill making an appropriation for the State Printer, with an amendment thereto by the Senate, made a report, and recommended a concurrence with the amendment of the Senate, and said report was laid upon the table, and ordered to be printed.

Mr. Ormsby, from the select committee to whom was referred the "Bill to provide for the location of the seat of government of the State until 1847," reported back a substitute for said bill, which was referred to committee of the whole, and ordered to be printed.

Mr. Mack, from the committee of ways and means, to whom was referred petitions of inhabitants of Mackinac, relative to county buildings, reported a preamble and resolutions, which were laid upon the table.

Mr. Mack presented the claim of J. B. Vallee, for translation of public documents; referred to committee on claims.

Mr. Beaufait presented the claim of Louis Caualli for translation of documents; same reference.

Mr. Fitzgerald laid upon the table a joint resolution relative to the establishing of the several branches of the State bank.

On motion of Mr. Chapin,

Resolved, That the House will have an afternoon session on each day, to commence at half past two o'clock, until the Legislature adjourn, or until otherwise ordered.

On motion of Mr. Livermore,

Resolved, That a committee of conference be appointed by this House, to confer with a like committee of the Senate, relative to the bill to abolish imprisonment for debt, on which in relation to certain amendments, there has been a supposed disagreement between the two houses.

Whereupon the Speaker announced Messrs. Livermore, Adam, and Goodwin, as such committee.

Mr. Howland called up his resolution of Friday last, in relation to the accounts of the members of the Legislature, which was adopted.

Mr. Acker called up his joint resolution of yesterday, to adjourn on the 15th inst., which was adopted by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chapin, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Davis, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Durocher, | Mr. Meacham, | |

35

NAYS.

Mr. McKee,

1

On motion of Mr. Hammond,

The House again went into committee of the whole, on the "Bill to provide for the government and discipline of the State prison," Mr. Ormsby in the chair, and after spending some time thereon, the committee rose, reported the bill back to the House with amendments, in which the House concurred, and the said bill was laid upon the table.

Mr. Mack presented a petition of George R. Griswold, John

N. Ingersol, John R. Dufrocq, and 28 others, printers of the city of Detroit, praying for an act to incorporate the "Detroit Typographical society," and pursuant to leave, introduced a bill to that effect, which was referred to the committee on banks and incorporations.

Mr. Copeland asked for and obtained leave to introduce a bill to provide for defraying the expenses for the transportation and subsistence of the State prisoners; referred to the committee on judiciary.

On motion of Mr. Finney,

The House adjourned until half past 2 o'clock P. M.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The roll having been called, Messrs. A. Allen, Brown, Chapin, Levake, Meacham, Newton, Saunders, Sheldon, Smith, and Stout, were absent.

The following message was received from the Governor, by his secretary, S. H. Porter.

EXECUTIVE DEPARTMENT, }
April 2, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

A bill, entitled "An act to establish the State Bank of Michigan."

The importance of this bill to the public, and the near approach of the termination of your session, have induced the Executive to sign this bill, notwithstanding it contains several conflicting provisions, which it is desirable you should remedy before your adjournment.

With this view, I would call your special attention to the first and twenty second sections of the bill, and also to those features of the seventy-second and seventy-third sections, which seem to be at war with the injunctions of the act of March 21st, 1837, providing that "the dividends arising from all bank stock owned by this State, or which may hereafter be owned by this State, so far

as may be necessary, shall, under the direction of the Legislature, constitute a sinking fund, for the payment of principal and interest of the loan of five millions of dollars, authorized for purposes of internal improvement."

S. T. MASON.

The message was referred to the committee of the whole.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to incorporate the Grass Lake academy and Teachers seminary."

"An act making special appropriations and for other purposes."

"An act to alter the name of the township of Dunham, and to legalize certain acts therein."

"An act to provide for the removal of the seat of justice in the county of Hillsdale, from the village of Jonesville to the village of Hillsdale."

And an "Act to provide for the collection of certain unpaid taxes in the township of Monguagon in Wayne county."

The House then went into consideration of the "Bill to provide for the government and discipline of the State Prison."

Mr. Adam moved to insert after the words "per annum," in section 48, the words "by voluntary contribution or otherwise," and the yeas and nays being called, the amendment was lost by the following vote :

YEAS.

| | | | |
|-----------|-------------|--------------|---|
| Mr. Adam, | Mr. Finney, | Mr. Goodwin, | 3 |
|-----------|-------------|--------------|---|

NAYS.

| | | | |
|-----------------|--------------|----------------|----|
| Mr. Acker, | Mr. Gibbs, | Mr. Near, | |
| Mr. A. Allen, | Mr. Grovier, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Hammond, | Mr. Patterson, | |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Pond, | |
| Mr. Copeland, | Mr. King, | Mr. Renwick, | |
| Mr. Davis, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Dort, | Mr. Little, | Mr. Shurts, | |
| Mr. Durocher, | Mr. Mack, | Mr. Speaker, | |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Tucker, | 30 |

Mr. Fitzgerald moved to amend section 49d, so as to read "and the agent shall pay such chaplain out of any moneys received for the labor of the convicts," which was lost by yeas and nays, as follows :

YEAS.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. Adam, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Axford, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Bacon, | Mr. Hammond, | Mr. Stout, | |
| Mr. Chapin, | Mr. Little, | Mr. Tucker, | |
| Mr. Copeland, | Mr. McKee, | | 17 |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. A. Allen, | Mr. Goodwin, | Mr. Near, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, | |
| Mr. Beaufait, | Mr. King, | Mr. Patterson, | |
| Mr. Davis, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Renwick, | |
| Mr. Finney, | Mr. Mack, | Mr. Shurts, | 18 |

Mr. Adam moved to strike out line number 8, of the same section, and the yeas and nays being called, the motion was lost by the following vote :

YEAS.

| | | | |
|---------------|-----------------|---------------|-----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, | |
| Mr. Durocher, | Mr. Goodwin, | Mr. Speaker, | |
| Mr. Finney, | Mr. McKee, | Mr. Tucker, | 19. |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Acker, | Mr. Grovier, | Mr. Near, | |
| Mr. A. Allen, | Mr. Hammond, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Patterson, | |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, | |
| Mr. Bacon, | Mr. King, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, | |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, | |
| Mr. Dort, | Mr. Mack, | | 26 |

Mr. McKee moved to strike out section 60, which was adopted by the following vote :

YEAS.

| | | |
|-----------------|----------------|----------------|
| Mr. A. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. Bacon, | Mr. Hammond, | Mr. Pond, |
| Mr. Chapin, | Mr. Lowry, | Mr. Saunders, |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Shurts, |
| Mr. Dort, | Mr. Mack, | Mr. Speaker, |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Stout, |
| Mr. Goodwin, | Mr. Ormsby, | |

23

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. King, |
| Mr. Adam, | Mr. Finney, | Mr. Near, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Tucker, |

15

On motion of Mr. Goodwin, the words "miscellaneous articles," "article 1st" and "article 2nd" were stricken out.

Mr. McKee moved to strike out in section 15, line 3, the words "physician and surgeon," which motion was lost.

Mr. Mack offered the following as a proviso to the 21st section :

Provided, That it shall not be lawful to manufacture in said prison, any such articles as will conflict with the labor of the mechanics of this State, who have the ability, and do in fact manufacture all such articles in their line as is required for the consumption of the people thereof, except it be, the coarser articles of wearing apparel, viz : coarse shoes and boots, coarse hats and other clothing, coarse harnesses, furniture and fabrics of any kind usually purchased and consumed by the poorer classes of society, who depend upon their day labor for a maintenance.

Mr. McKee offered the following amendment to section 49, which was lost :

"The assistant keepers shall preserve proper discipline among the convicts under their charge, and shall report all misconduct to the principal keeper, or, in his absence, to his deputy ; but shall

in no case inflict any punishment. The principal keeper, or in his absence, the deputy keeper, and no other person, may punish convicts for misconduct, in such manner and under such regulations as may be adopted by the board of inspectors; and shall report to the inspectors at each monthly meeting, the amount and kind of punishment which has been inflicted, the names of the convicts who have been punished, the offence for which the same punishments have been inflicted.

Mr. Pond moved to strike out in section 30, the words "and the number of the vouchers," which was lost.

Mr. Adam moved to strike out all after the word "keeper" in section 66, which amendment was adopted.

Mr. Dort moved to amend the 43d section, 7th line, by inserting "not over three" in place of "not less than two," which was lost.

The rule was now suspended, the bill read a third time and passed, by the following vote :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Little, |
| Mr. A. Allen, | Mr. Durocher, | Mr. Livermore, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Mack, |
| Mr. Axford, | Mr. Grovier, | Mr. Near, |
| Mr. Bacon, | Mr. Hammond, | Mr. Pierce, |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, |
| Mr. Copeland, | Mr. King, | Mr. Shurta, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |

24

NAYS.

| | | |
|-----------------|--------------|---------------|
| Mr. Adam, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Beaufait, | Mr. McKee, | Mr. Speaker, |
| Mr. Finney, | Mr. Pond, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Renwick, | |

11

On motion of Mr. Finney,

The House went into committee of the whole on the "Bill for the regulation of internal improvements and for the appointment of a board of commissioners," Mr. Axford in the chair, and after spending some time thereon, rose and reported progress and asked and obtained leave to sit again.

On motion of Mr. Pond,

The "Bill to provide for the assessment and collection of taxes for the year 1888 and for other purposes," was made the special order of the day for Friday next.

Mr. Renwick presented the claim of James Saunders, which was referred to the committee on claims.

The House adjourned.

WEDNESDAY, APRIL 3.

The House met pursuant to adjournment, and on calling the roll, Messrs. Levake, Mead and Newton were absent, and Mr. Tackles on leave.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read and approved.

PETITIONS.

Mr. Dort presented the claim of Morison Paulding ; referred to the committee on claims.

Mr. Wixom presented the petition of the inspectors of election of the township of Farmington, praying for an act to legalize the proceedings of said board ; referred to a select committee, consisting of Messrs. Wixom, Bacon and Goodwin.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, reported a " Bill to incorporate the Dexter branch canal company ;" referred to the committee on internal improvement.

Also, reported back to the House, without amendment, the " Bill to incorporate the Detroit typographical society ;" referred to the committee of the whole and ordered to be printed.

RESOLUTIONS, NOTICES, &c.

On motion of Mr. Copeland,

Resolved, That the committee on the judiciary be, and they are hereby instructed to report a bill fixing the time when justices of the peace elected under the Revised Statutes may commence the functions of their office.

Mr. Howland offered the following joint resolution, which was laid upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby authorized and empowered to settle all accounts existing between the State treasury and the Michigan State Bank—to obtain security from said bank for the payment of all funds belonging to the State deposited therein—to withdraw said deposits from said bank as soon as practicable, so far as may be consistent with the interests of the State—to deposit such funds as may be withdrawn, in such bank or banks in this State as he may deem advisable, upon such bank or banks giving good and sufficient security for the prompt return of the same when demanded.

Mr. Brown gave notice, that on some future day he should ask leave to bring in a bill to equalize the time of collecting debts in the respective courts of this State, and for other purposes.

Mr. Renwick offered the following, which was laid on the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That it shall be deemed a crime and misdemeanor for the keeper or keepers of the State prison, the sheriff or common jailer of any county, the keeper of any public asylum for the reception and confinement of any insane person or persons, lunatic or madman, or for the superintendent of any poor house within the boundaries of the State of Michigan, to inflict corporeal punishment by whipping ; that it is hereby made the duty of all prosecuting attorneys appointed, or hereafter to be appointed, to prosecute for all offences and breaches of this law within their respective counties or districts, as the case may be.

On motion of Mr. Fitzgerald, (the rule having been suspended.)

Resolved, by the Senate and House of Representatives of the State of Michigan, That the members of both Houses of the Legislature will meet in joint convention, in the representative hall, for the purpose of electing directors of the State bank of Michigan, on Tuesday, the 9th instant, at 11 o'clock, A. M.

On motion of Mr. Finney,

The communication of the board of Commissioners of internal improvement, laid upon the table this morning, was referred to the committee on internal improvement.

On motion of Mr. Chapin,

The House again went into committee of the whole, Mr. Ax-
ford in the chair, on the "Bill for the regulation of internal im-
provements, and the appointment of a board of Commissioners,"
and after spending some time thereon, the committee rose, report-
ed the bill back to the House, and, on motion of Mr. Acker, the
bill was recommitted to the committee of the whole, and the fur-
ther consideration thereof was postponed until Friday.

The following message was received from the Governor, by his
secretary, S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 3, 1839. }

To the Speaker of the House of Representatives :

I have this day approved and filed in the office of the Secre-
tary of State,

"An act to alter the name of the township of Dunham, and to le-
galize certain acts therein."

"An act to provide for the removal of the seat of justice in the
county of Hillsdale, from the village of Jonesville to the village
of Hillsdale."

And "An act to provide for the collection of certain unpaid
taxes in the township of Monguagon, in Wayne county."

S. T. MASON.

Also, the following message from the Senate, by their secreta-
ry, Mr. At Lee :

SENATE CHAMBER, }
April 3, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of
Representatives,

The joint resolution in respect to accounts of members of the
Legislature ; and,

The "Joint resolution to adjourn on the 15th instant," which
have severally passed the Senate.

I am also instructed to return the "Joint resolution relative to
the transfer of a certain account on the survey of the southern
railroad line," with a substitute therefor passed by the Senate,
entitled "A bill to provide for the payment of the expenses of the
survey of a railroad from Centerville to Niles."

I am also instructed to transmit to the House of Representatives "A bill to repeal such parts of any, and all laws, as authorize the appointment of Bank Commissioners and defining their powers and duties," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,

Secretary of the Senate.

The "Bill to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles," was referred to the committee on internal improvement.

And the "Bill to repeal such parts of any, and all laws, as authorize the appointment of Bank Commissioners, and defining their powers and duties," was referred to the committee on banks and incorporations.

Also, the following :

SENATE CHAMBER, }
Detroit, April 3, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives,

The joint resolution in relation to joint convention for electing directors of the State Bank of Michigan, and respectfully inform you that the same has been concurred in and passed by the Senate.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

On motion of Mr. Adam, the House went into committee of the whole on the "Bill to provide for the appointment of circuit attorneys, and to define their duties," Mr. Hammond in the chair.

After spending some time thereon, the committee rose, reported the bill back with amendments, which the House concurred in, and,

On motion of Mr. Axford,

The House adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The roll being called, Messrs. Mead, Newton and Tachol, were absent

Mr. Renwick presented a claim of A. M. Gould, which was referred to the committee on claims.

On motion of Mr. Chapin,

The "Bill to provide for the appointment of circuit attorneys and to define their duties," was ordered to a third reading.

On motion of Mr. Adam,

The House went into committee of the whole, Mr. Seeley in the chair, on the "Bill to amend the chapter of the Revised Statutes, entitled of primary schools."

After spending some time thereon, the committee rose, and reported the same back to the House with amendments, which were concurred in.

Mr. McKee moved to amend by inserting after the word "district," in line three, section ten, the words "except in the case of city or village lots," which was agreed to.

Mr. Adam offered the following amendment, to come in at the end of section 4, "Provided, That the district board may omit an assessment on any parents or guardians, unable to pay for the scholars sent to school, and may apportion the tax that would be due from said parents or guardians upon the taxable property of the district," which was adopted.

Mr. Dort offered the following as an addition to section 7, "and the school inspectors shall make oath or affirmation," which was adopted by yeas and nays, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Meacham, |
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, |
| Mr. Axford, | Mr. Grovier, | Mr. Patterson, |
| Mr. Bacon, | Mr. Howland, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Pond, |
| Mr. Chapin, | Mr. Jennings, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |

| | | | |
|-------------|----------------|-------------|----|
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Dort, | Mr. Mack, | | 30 |

NAYS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. A. Allen, | Mr. Goodwin, | Mr. Renwick, | |
| Mr. L. Allen, | Mr. Hammond, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Davis, | Mr. McKee, | Mr. Stout, | |
| Mr. Durocher, | Mr. Near, | Mr. Wixom, | 15 |

Mr. Adam offered to amend the 7th section, by adding after the word "year" the words "as the same stood on the second Monday preceding the annual meeting." Adopted.

The rule was then suspended; the bill read a third time and passed by the following vote :

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Dort, | Mr. Livermore, | |
| Mr. Adam, | Mr. Eaton, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Finney, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. Bacon, | Mr. Gibbs, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, | |
| Mr. Brown, | Mr. Hammond, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, | |
| Mr. Chase, | Mr. Hooker, | Mr. Shurts, | |
| Mr. Clark, | Mr. Jennings, | Mr. Speaker, | |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, | |
| Mr. Decker, | Mr. Little, | Mr. Tucker, | 36 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. A. Allen, | Mr. McKee, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Near, | Mr. Smith, | |
| Mr. Goodwin, | Mr. Saunders, | Mr. Wixom, | |
| Mr. King, | | | 10 |

Mr. Renwick asked for and obtained leave to introduce the proceedings of a meeting of the county commissioners of Washtenaw county, in relation to the location of the seat of government until the year 1847, which was laid upon the table.

Mr. Mack presented the claim of John T. Blois; referred to the committee on claims.

Also, gave notice that he would at some future day ask leave to introduce a bill amendatory of "An act to amend part third, title first, chapter third, of the Revised Statutes, and for other purposes," approved February 8th, 1839, so as to abolish the April term of the circuit court for the county of Wayne, for 1839, so far as relates to civil cases.

On motion of Mr. Adam,

The House adjourned.

THURSDAY, APRIL 4.

The House met pursuant to adjournment, and on calling the roll, Messrs. Mead and Newton were absent.

The journal of yesterday was read and approved.

REPORTS.

Mr. Gibbs, from the committee on the judiciary, reported the following entitled bills from the Senate, which were severally referred to the committee of the whole.

"A bill to amend chapter 1, title 10, part 1, Revised Statutes, of religious societies."

"A bill for the further distribution of the Revised Code, and for other purposes," and,

"A bill for the relief of Calvin C. Parks and others."

Also, "A bill to provide for defraying the expenses of the transportation and subsistence of the State prisoners."

Mr. Decker, pursuant to leave, introduced a bill to authorize the administrators on the estate of James Riggs, late of the county of Oakland, and State of Michigan, deceased, to convey certain real estate;" referred to the committee on the judiciary.

Mr. Dort presented the claims of J. S. & S. A. Bagg, for stationery, &c.; referred to the committee on claims.

The bill which was ordered to a third reading yesterday, entitled "A bill to provide for the appointment of circuit attorneys, and to define their duties," was then taken up, and the yeas and nays having been demanded, was lost by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hammond, | Mr. Smith, |
| Mr. Chase, | Mr. King, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Wixom, |

18

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Near, |
| Mr. L. Allen, | Mr. Eaton, | Mr. Patterson, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Livermore, | Mr. Shurts, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Decker, | | |

25

On motion of Mr. Adam,

The House went into committee of the whole, on the "Bill supplementary to an act entitled an act to establish a State bank," Mr. Grovier in the chair.

And after spending some time thereon, the committee rose, reported the bill back to the House with amendments, which were concurred in by the House.

Mr. Adam moved to add to section 4, the words "no loan or discount shall be made to any banking or other private corporation, except to other branches of the bank."

And the yeas and nays being called, the amendment was adopted, by the following vote :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Renwick, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Axford, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Shurts, |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, |
| Mr. Durocher, | Mr. McKee, | Mr. Speaker, |
| Mr. Eaton, | Mr. Patterson, | Mr. Wixom, |
| Mr. Finney, | Mr. Pond, | |

23

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Davis, | Mr. Mack, |
| Mr. A. Allen, | Mr. Decker, | Mr. Meacham, |
| Mr. Bacon, | Mr. Hammond, | Mr. Near, |
| Mr. Brown, | Mr. Howland, | Mr. Ormsby, |
| Mr. Chapin, | Mr. Jennings, | Mr. Pierce, |
| Mr. Clark, | Mr. Lowry, | Mr. Stout, |
| Mr. Copeland, | Mr. Little, | |

20

Mr. Howland moved to strike out "nine," in the second line of the 1st section, and insert "seven," which was lost by the following vote:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Jennings, | Mr. Pond, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Renwick, |
| Mr. Axford, | Mr. McKee, | Mr. Sheldon, |
| Mr. Davis, | Mr. Ormsby, | Mr. Speaker, |
| Mr. Eaton, | Mr. Pierce, | Mr. Tackels, |
| Mr. Howland, | | |

17

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Durocher, | Mr. Mack, |
| Mr. A. Allen, | Mr. Finney, | Mr. Meacham, |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Brown, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hammond, | Mr. Shurts, |
| Mr. Clark, | Mr. Hooker, | Mr. Smith, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |

30

Mr. Chapin moved to add after the word "consent" in the 4th line, 4th section, the following, which was lost:

"Unless seven or more directors are present, when it shall require the dissent of three directors to prevent a loan or discount."

Mr. Ormsby moved to insert in the 4th line, 1st section, the following:

"Three of whom, (to be designated by the Legislature,) shall be Commissioners of internal improvement;" lost, by the following vote:

YEAS.

| | | |
|--------------|-------------|--------------|
| Mr. Davis, | Mr. Lowry, | Mr. Pierce, |
| Mr. Howland, | Mr. Ormsby, | Mr. Speaker, |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Meacham, |
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Near, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Seeley, |
| Mr. Brown, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Hooker, | Mr. Shurts, |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, |
| Mr. Clark, | Mr. Little, | Mr. Stout, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Wixon, |
| Mr. Dort, | | |

Mr. Goodwin moved to insert in line 4th, section 1st, the word "nine," instead of "six," and on the yeas and nays being called, the amendment was lost by the following vote :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Eaton, | Mr. King, | Mr. Shurts, |
| Mr. Finney, | Mr. Livermore, | Mr. Speaker, |
| Mr. Gibbs, | | |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. McKee, |
| Mr. Adam, | Mr. Durocher, | Mr. Near, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Patterson, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chapin, | Mr. Lowry, | Mr. Smith, |
| Mr. Clark, | Mr. Little, | Mr. Stout, |

| | | |
|---------------|--------------|--------------|
| Mr. Copeland, | Mr. Mack, | Mr. Tackels, |
| Mr. Davis, | Mr. Meacham, | Mr. Wixom, |
| Mr. Decker, | | |

34

Mr. Goodwin offered the following as an additional section to the bill:

"All provisions of the act to which this is supplementary, inconsistent with this supplement, are hereby repealed;" adopted.

Mr. Hammond then moved that the rule be suspended, which motion prevailed, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Meacham, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Near, |
| Mr. Bacon, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Howland, | Mr. Patterson, |
| Mr. Clark, | Mr. Hooker, | Mr. Pierce, |
| Mr. Copeland, | Mr. King, | Mr. Renwick, |
| Mr. Decker, | Mr. Lowry, | Mr. Saunders, |
| Mr. Dort, | Mr. Little, | Mr. Seeley, |
| Mr. Durocher, | Mr. Livermore, | Mr. Smith, |
| Mr. Eaton, | Mr. Mack, | Mr. Stout, |

33

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Chapin, | Mr. Gibbs, | Mr. Shurts, |
| Mr. Chase, | Mr. Goodwin, | Mr. Speaker, |
| Mr. Davis, | Mr. Pond, | Mr. Tackels, |

9

The bill was then read the third time and passed, by the following vote:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Adam, | Mr. Grovier, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Hammond, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chapin, | Mr. Jenrings, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |

| | | |
|-----------------|----------------|--------------|
| Mr. Decker, | Mr. Livermore, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, |
| Mr. Finney, | Mr. Near, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

40

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. L. Allen, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Davis, | Mr. Lowry, | Mr. Speaker, |
| Mr. Eaton, | Mr. McKee, | |

8

The following message was received from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }
 Detroit, April 4, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

“An act to incorporate the Grass Lake academy and teachers’ seminary,” and

“A joint resolution relative to moneys advanced by the Michigan State bank to members and officers of the legislature.”

S. T. MASON.

Also the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 April 5, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the following bills, viz :

“A bill to amend ‘an act to incorporate the Mechanics’ society of Detroit.’”

“A bill to vacate the present seat of government of the State of Michigan, and establish the same until the year 1847,” which have severally passed the Senate.

I am also instructed to transmit “A joint resolution in regard to the penitentiary,” which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM’L YORKE AT LEE,

Secretary of the Senate.

And the "Bill to amend 'an act to incorporate the Mechanics society of Detroit,'" was referred to the committee on banks and incorporations.

The "Bill to vacate the present seat of government, and establish the same until 1847," was referred to the committee of the whole.

And the "joint resolution in regard to the penitentiary," was laid upon the table.

On motion of Mr. Adam,

The committee of the whole were discharged from the further consideration of the bill "for the promotion of silk culture and mulberry," and the House considering the same,

On motion of Mr. Hammond,

The same was laid upon the table.

On motion of Mr. Finney,

The House adjourned until half past two o'clock, P. M.

AFTERNOON SESSION.

Half-past two o'clock.

The roll being called, there were absent, Messrs. Finney, Leake, Mead, Newton and Speaker.

On motion of Mr. Hammond,

The House resolved itself into committee of the whole, Mr. Tucker in the chair, on the "Bill to incorporate the Marshall college."

After spending some time thereon, the committee rose, reported the bill back to the House with amendments, which the House concurred in.

The bill being under consideration before the House, Mr. Patterson moved to strike out the words "the trustees," in the first line, ninth section, and insert the following, which was lost:

"A board of trustees composed of an equal number of the trustees of said college, and of those of the State university."

On motion of Mr. Hammond,

The rule was suspended, the bill read a third time and passed, by the following vote:

YEAS.

Mr. Asker,

Mr. Eaton,

Mr. Meacham,

Mr. Adam,

Mr. Fitzgerald,

Mr. McKee,

| | | |
|---------------|----------------|----------------|
| Mr. L. Allen, | Mr. Gibbs, | Mr. Near, |
| Mr. Axford, | Mr. Grovier, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hammond, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Howland, | Mr. Pieroe, |
| Mr. Chapin, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chase, | Mr. Jennings, | Mr. Saunders, |
| Mr. Clark, | Mr. King, | Mr. Seeley, |
| Mr. Davis, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Decker, | Mr. Little, | Mr. Stout, |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mack, | Mr. Tucker, |

39

NAYS.

| | | |
|---------------|-------------|------------|
| Mr. A. Allen, | Mr. Pond, | Mr. Smith, |
| Mr. Brown, | Mr. Shurts, | Mr. Wixom, |
| Mr. Goodwin, | | |

On motion of Mr. Livermore,

The "Bill making appropriation for John S. Bagg," was made the special order for Monday next.

On motion of Mr. Acker,

The House went into committee of the whole, on the "Bill to provide for the collection of demands against boats and vessels," Mr. Adam in the chair.

After spending some time thereon, the committee rose and reported the bill back to the House with sundry amendments, which were concurred in; when,

Mr. Durocher moved to insert in section 3d, after the word "courts," the words "or any justice of the peace," which was adopted.

The rule was then suspended, the bill read a third time and passed, by the following vote:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Dort, | Mr. King, |
| Mr. Adam, | Mr. Eaton, | Mr. Lowry, |
| Mr. L. Allen, | Mr. Finney, | Mr. Pierce, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Renwick, |
| Mr. Chase, | Mr. Howland, | Mr. Seeley, |
| Mr. Clark, | Mr. Hooker, | Mr. Tackels, |

Mr. Copeland,
Mr. Decker,

Mr. Jennings,

Mr. Tucker,

25

NAYS.

Mr. Beaufait,
Mr. Durocher,
Mr. Fitzgerald,
Mr. Grovier,
Mr. Hammond,

Mr. Little,
Mr. Mack,
Mr. McKee,
Mr. Ormsby,

Mr. Patterson,
Mr. Sheldon,
Mr. Smith,
Mr. Stout,

13

Mr. Mack presented a claim of John Farmer ; referred to the committee on claims.

Mr. Acker moved an adjournment, which was lost by the following vote :

YEAS.

Mr. Acker,
Mr. L. Allen,
Mr. Axford,
Mr. Chapin,
Mr. Copeland,
Mr. Decker,

Mr. Durocher,
Mr. Eaton,
Mr. Goodwin,
Mr. Grovier,
Mr. Howland,
Mr. Hooker,

Mr. Jennings,
Mr. Lowry,
Mr. Ormsby,
Mr. Pierce,
Mr. Tackels,
Mr. Tucker,

18

NAYS.

Mr. Adam,
Mr. Beaufait,
Mr. Chase,
Mr. Clark,
Mr. Dort,
Mr. Finney,

Mr. Fitzgerald,
Mr. Gibbs,
Mr. Little,
Mr. Mack,
Mr. McKee,
Mr. Patterson,

Mr. Pond,
Mr. Benwick,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Stout,

18

Mr. Acker moved a call of the House, which resulted as follows :

YEAS.

Mr. Acker,
Mr. Axford,
Mr. Durocher,
Mr. Howland,

Mr. Hooker,
Mr. Mack,
Mr. Ormsby,

Mr. Pierce,
Mr. Tackels,
Mr. Tucker,

10

NAYS.

Mr. Adam,
Mr. L. Allen,

Mr. Eaton,
Mr. Finney,

Mr. McKee,
Mr. Patterson,

| | | |
|---------------|-----------------|--------------|
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Renwick, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Jennings, | Mr. Smith, |
| Mr. Decker, | Mr. Lowry, | Mr. Stout, |
| Mr. Dort, | Mr. Little, | |

28

Mr. Acker then moved that the House adjourn.

The Chair deciding the motion to be in order, Mr. McKee appealed from the decision, pending which,

The Speaker announced that there was not a quorum, and the House stood adjourned till to-morrow at half past eight o'clock.

FRIDAY, APRIL 5.

The House met pursuant to adjournment, and on calling the roll, the members were all present.

Prayer by the Rev. Mr. Bury.

The journal of yesterday was read and approved.

CLAIMS.

Mr. Adam presented the claim of the sergeant-at-arms; referred to committee on claims.

Mr. Levake presented the claim of Burger & Stevens; same reference.

The Chair presented a claim of Messrs. Bacon and Bradford; same reference.

REPORTS.

Mr. Finney, from the committee on internal improvement, reported a "Bill to authorize the board of Commissioners of internal improvement to re-locate the line of southern railroad between Centerville and Niles; referred to the committee of the whole and ordered to be printed.

Also, reported "An act to continue the Clinton and Kalamazoo canal from its present located eastern termination, in the Clinton river at Mt. Clemens, to the navigable waters of Lake St. Clair, at Belvidere;" referred to committee of the whole, and ordered to be printed.

Mr. Finney, from the committee on internal improvement, to whom had been referred petitions praying for appropriations for the improvement of the Grand and St. Joseph rivers, reported in favor of said appropriations, which would be included in the general bill upon that subject.

Mr. Fitzgerald, from the committee on banks and incorporations, reported back the Senate "Bill to amend an act to incorporate the Mechanics' society of Detroit," without amendment; referred to the committee of the whole, and ordered to be printed.

Mr. Gibbs, from the committee on the judiciary, reported back without amendment, the "Bill to authorize the administrator on the estate of James Riggs, deceased, to convey real estate;" referred to the committee of the whole and ordered to be printed.

Mr. Goodwin, from the select committee on that subject, reported a set of rules for the government of joint conventions; and, On motion of Mr. Goodwin,

The rule was suspended and the rules adopted.

The House, on motion of Mr. Adam, then went into consideration of the joint preamble and resolutions of the Assembly of North Carolina, and the additional resolutions thereto appended, which were reported by the select committee on that subject.

[See pages 398 to 408.]

Mr. Renwick moved an indefinite postponement of the subject; decided as follows:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Mead, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Near, |
| Mr. Bacon, | Mr. Jennings, | Mr. Newton, |
| Mr. Brown, | Mr. King, | Mr. Ormsby, |
| Mr. Copeland, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Little, | Mr. Renwick, |
| Mr. Hammond, | Mr. Meacham, | Mr. Stout, |

21

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |

| | | |
|---------------|----------------|--------------|
| Mr. Chase, | Mr. Grovier, | Mr. Shurtz, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |

30

Mr. Ormsby moved to lay the resolutions on the table, which motion was lost.

Mr. Acker moved to insert before the word "to" the word "not," in the first resolution; lost.

On motion of Mr. Hammond, the resolutions were then taken up separately, and the yeas and nays being demanded on the first resolution, it was adopted, as follows:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurtz, |
| Mr. Chase, | Mr. Levake, | Mr. Smith, |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | Mr. Patterson, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | | |

28

The second resolution was then adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurts, |
| Mr. Chase, | Mr. Levake, | Mr. Smith, |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | Mr. Patterson, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Newton, |
| Mr. Bacon, | Mr. King, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |
| Mr. Howland, | | |

22

The third resolution being under consideration, Mr. Acker moved to strike out the words "independent treasury," and insert instead thereof the words "Thomas Hart Benton humbug," which motion was lost by the following vote :

YEAS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | Mr. Mead, | |

20

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Renwick, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |

| | | | |
|---------------|----------------|--------------|----|
| Mr. Dort, | Mr. Mack, | Mr. Tackels, | |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, | |
| Mr. Eaton, | Mr. Patterson, | | 32 |

Mr. Ormsby moved to insert after the words "associated wealth," the words "by enabling the treasury to be transferred to Europe," which motion was lost, by the following vote :

YEAS.

| | | | |
|---------------|---------------|-------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Stout, | |
| Mr. Davis, | Mr. Little, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Meacham, | | 17 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Renwick, | |
| Mr. Bacon, | Mr. Goodwin, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Levake, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Livermore, | Mr. Shurts, | |
| Mr. Clark, | Mr. Mack, | Mr. Smith, | |
| Mr. Decker, | Mr. Mead, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Newton, | Mr. Wixom, | |
| Mr. Eaton, | | | 34 |

Mr. Howland moved to amend by adding the following, after the words "national revenue," "as happily exemplified in the Price and Swartwout defalcations."

Mr. Ormsby moved to add to the above, the words "and Harris, Boyd and others."

Mr. Fitzgerald moved the previous question; the yeas and nays being demanded, it was decided as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |

| | | |
|---------------|----------------|--------------|
| Mr. Chapin, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chase, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Clark, | Mr. Grovier, | Mr. Shurts, |
| Mr. Davis, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mack, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Jennings, | Mr. Newton, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Little, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Meacham, | Mr. Renwick, |
| Mr. Brown, | Mr. Mead, | Mr. Stout, |
| Mr. Hammond, | Mr. McKee, | Mr. Tucker, |
| Mr. Howland, | Mr. Near, | Mr. Wixom, |
| Mr. Hooker, | | |

30

The question then being on the third resolution, it was adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |

30

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Copeland, | Mr. Lowry, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Hammond, | Mr. Mead, | Mr. Tucker, |

31

The fourth resolution being under consideration, Mr. Renwick moved to strike out the words "that party" and "more peculiar and," and substituting in their stead the following words "the general government," "under whom."

Mr. Copeland moved to insert after the word "resolved" the following amendment to the above, which was accepted by Mr. Renwick, and the same was adopted, "that we approve of the pre-emption laws so called, and that we believe them to be in strict accordance," &c.

The question then being on the fourth resolution as amended, it was adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Davis, | Mr. Livermore, | Mr. Speaker, |
| Mr. Decker, | Mr. Mead, | Mr. Stout, |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, |
| Mr. Durocher, | Mr. Near, | Mr. Wixon, |
| Mr. Eaton, | Mr. Newton, | |

41

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Tucker, |
| Mr. Howland, | Mr. Meacham, | |

41

The question then being on the 5th resolution,

On motion Mr. McKee,

The same was divided and the first part adopted; and,

The question being on the second portion, Mr. Renwick called for a division on the remaining portion of the resolutions, down to the words "original purchase and survey," and the same was agreed to by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Bacon, | Mr. Grovier, | Mr. Pond, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Renwick, |
| Mr. Chapin, | Mr. King, | Mr. Saunders, |
| Mr. Chase, | Mr. Lowry, | Mr. Seeley, |
| Mr. Clark, | Mr. Levake, | Mr. Sheldon, |
| Mr. Decker, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Livermore, | Mr. Smith, |
| Mr. Durocher, | Mr. Mack, | Mr. Speaker, |
| Mr. Eaton, | Mr. Meacham, | Mr. Tackels, |
| Mr. Finney, | Mr. Mead, | Mr. Wixom; |

89

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, |
| Mr. Brown, | Mr. Jennings, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | | |

13

The latter part of the 5th resolution was then adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Lowry, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Tackels, |
| Mr. Durocher, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | Mr. Mack, | |

32

NAYS.

| | | |
|------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Patterson, |

| | | | |
|---------------|--------------|--------------|----|
| Mr. Brown, | Mr. Meacham, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Mead, | Mr. Renwick, | |
| Mr. Davis, | Mr. McKee, | Mr. Stout, | |
| Mr. Hammond, | Mr. Near, | Mr. Tucker, | 18 |

The 6th resolution being under consideration,

Mr. Hammond offered the following amendment, which was amended by Mr. Tucker, so as to read after the words "Andrew Jackson" "excepting Day and Martin :"

And, that in the opinion of this Legislature, Andrew Jackson, the greatest and best, is the greatest man that ever lived, excepting Day and Martin, that in him are combined the military acquirements of Bonaparte and the statesmanlike talents of Cicero, and that the honors conferred upon and justly due to George Washington, the father of his country, are but naught to those that should be conferred upon and are due to the venerable and adorable Andrew Jackson, for his public services, especially for his *peculiar* measures of reform and retrenchment published in his first inaugural address, and which were followed so rigidly as to increase the expenses of the administration nearly three-fold over those of his predecessor.

That in Martin Van Buren, the present chief magistrate of the Union, we find the man who is nearest all things to all men, of any other person known to the civilized world, that he is better adapted to be the fawning courtier at the feet of England's Queen, and better calculated to give a republican people an idea of English aristocracy, than any individual within the acquaintance of the Legislature.

And the same was lost by the following vote :

YEAS.

| | | | |
|---------------|---------------|-------------|---|
| Mr. Acker, | Mr. Hammond, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Stout, | |
| Mr. Brown, | Mr. Jennings, | Mr. Tucker, | 9 |

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. Axford, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |

| | | |
|---------------|----------------|---------------|
| Mr. Chapin, | Mr. Howland, | Mr. Renwick, |
| Mr. Chase, | Mr. Lowry, | Mr. Saunders, |
| Mr. Clark, | Mr. Levake, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Sheldon, |
| Mr. Davis, | Mr. Livermore, | Mr. Shurts, |
| Mr. Decker, | Mr. Mack, | Mr. Smith, |
| Mr. Dort, | Mr. Meacham, | Mr. Speaker, |
| Mr. Durocher, | Mr. Mead, | Mr. Tackels, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

42

Mr. Acker moved to insert at the end of the section, the words "when in a minority of both branches of the Congress of the United States," which was lost by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | | |

19

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |
| Mr. Eaton, | | |

28

The question then being on the adoption of the sixth resolution, it was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, |
| Mr. A. Allen, | Mr. Finney, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Sheldon, |

| | | |
|---------------|----------------|--------------|
| Mr. Chapin, | Mr. Gibbs, | Mr. Shurts, |
| Mr. Chase, | Mr. Goodwin, | Mr. Smith, |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | Mr. McKee, | 25 |

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. King, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Stout, |
| Mr. Davis, | Mr. Little, | Mr. Tucker, |
| Mr. Hammonid, | Mr. Meacham, | 20 |

The 7th resolution being under consideration, Mr. Pierce moved to amend by striking out after the word "that," and insert the following:

"That notwithstanding the increased expenses of the general government under the last and present administrations," lost.

Mr. Acker moved to add to the end of the section the words, "and old Rip Van Winkle."

Mr. Renwick offered to amend the same by adding "and Wolverines;" pending which motion,

Mr. Fitzgerald called for the previous question, which was sustained by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Eaton, | Mr. Mack, |
| Mr. A. Allen, | Mr. Finney, | Mr. McKee, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Davis, | Mr. King, | Mr. Shurts, |
| Mr. Decker, | Mr. Lowry, | Mr. Speaker, |
| Mr. Dort, | Mr. Levake, | Mr. Tackels, |
| Mr. Durocher, | Mr. Livermore, | 29 |

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Little, | Mr. Smith, |
| Mr. Brown, | Mr. Meacham, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Hammond, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Howland, | Mr. Patterson, | |

20

The 7th resolution was then adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | Mr. McKee, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. King, | Mr. Renwick, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |
| Mr. Hammond, | Mr. Meacham, | Mr. Tucker, |

18

The 8th resolution being under consideration, Mr. Adam moved the indefinite postponement of the same, which motion prevailed by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |

| | | | |
|---------------|----------------|--------------|----|
| Mr. Clark, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, | |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, | 30 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Lowry, | Mr. Pond, | |
| Mr. Brown, | Mr. Little, | Mr. Renwick, | |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, | |
| Mr. Hammond, | Mr. Near, | Mr. Tucker, | |
| Mr. Howland, | | | 19 |

The 9th resolution being under consideration, Mr. Acker moved to strike out all after the word "Legislature;" pending which Mr. Adam moved the previous question, which being sustained, the 9th resolution was adopted by the following vote :

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Renwick, | |
| Mr. Arford, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, | |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Patterson, | Mr. Wixom, | 30 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Near, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Hammond, | | | 19 |

The 10th resolution being then under consideration, Mr. Hammond offered the following to come in after the word "resolved:"

"That if the opponents of the present administration are justly

chargeable with proposing and carrying large and extravagant appropriations through Congress, the foregoing resolutions have been carried by the whig minority of this House, and that they ought to be charged with the expenses of this day's legislation," which was lost by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. Lowry, | Mr. Stout, |
| Mr. Copeland, | Mr. Meacham, | Mr. Tucker, |
| Mr. Davis, | | |

16

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chase, | Mr. Howland, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Durocher, | Mr. Mack, | Mr. Tackels, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

39

Mr. Lowry offered the following amendment :

Whereas, the 6th and 7th resolutions, already adopted, protest against the extravagant expenditures of the general government, therefore, be it

Resolved, That the members of this House will not accept of their per diem allowance for this day, which has been spent in making political capital for electioneering purposes, so long as the state is deemed bankrupt and unable to fulfil her obligations.

Mr. Mack moved to amend the same by inserting the word "whig," before word "members," which was adopted.

Mr. Little offered the following amendment to the amendment :

"And that we deem the passage of said resolutions as not coming within the proper scope of our duties as a State Legislature, and that they are a burlesque on the representatives of the people of Michigan."

Pending which, Mr. Pond moved the previous question, which was sustained, and the 10th resolution was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Hammond, | | |

Mr. Pierce moved that the House adjourn, which was lost.

The question then being on the preamble, the same was adopted, and,

On motion of Mr. Chapin,

The House adjourned.

AFTERNOON SESSION.

Half past 2 o'clock, P. M.

The roll being called, there were absent Messrs. A. Allen, Mead and Ormsby.

The Speaker announced the report of the committee of internal improvement, on the "Bill to provide for the payment of the expenses of surveying a railroad route from Centerville to Niles," and the House refused to concur in the amendment made thereto by the Senate.

Mr. Finney called up the joint resolution, laid upon the table on the 1st April, respecting the Clinton and Kalamazoo canal.

Mr. Adam moved to strike out all after the word "canal."

Mr. Livermore moved to add the words, "and on all other works of internal improvement."

On motion of Mr. Acker,

The resolution and amendments were laid on the table.

Mr. Finney then called up the resolution instructing the Auditor General to pay the account of E. H. Lothrop, and the yeas and nays being called for, the resolution was adopted by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Decker, | Mr. Levake, | Mr. Smith, |
| Mr. Dort, | Mr. Little, | Mr. Speaker, |
| Mr. Eaton, | Mr. Mack, | |

26

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Brown, | Mr. Meacham, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | Mr. Newton, | Mr. Wixom, |
| Mr. Howland, | | |

19

Mr. Shurts called up the joint resolution sent down by the Senate yesterday, in relation to the penitentiary, which was adopted.

Mr. McKee moved the consideration of his appeal made yesterday, from the decision of Mr. Goodwin, chairman pro tempore, when the House sustained the decision of the Chair.

On motion of Mr. Howland,

The House went into committee of the whole, Mr. Fitzgerald in the chair, on the "Bill to abolish certain State offices."

After some time spent thereon, the committee rose, reported the bill back to the House with amendments, on the concurrence

of which, the yeas and nays were demanded, and the House concurred in the same by the following vote:

YEAS.

| | | |
|-----------------|----------------|----------------|
| Mr. Adam, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Speaker, |
| Mr. Finney, | Mr. Livermore, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Tackels, |
| Mr. Gibbs, | Mr. McKee, | Mr. Wixom, |

27.

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Dort, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pond, |
| Mr. Brown, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Meacham, | Mr. Tucker, |
| Mr. Davis, | Mr. Near, | |

17

On motion of Mr. Adam,

The special order, being the "Bill to incorporate the Portage turnpike and bridge company," was postponed until Wednesday next.

On motion of Mr. Little,

The House again went into committee of the whole, on the "Bill for the regulation of internal improvements," Mr. Axford in the chair, and after spending some time thereon, the committee rose, reported progress, and asked leave to sit again, which was granted by the House.

On motion of Mr. Acker,

The bill was made the special order of the day for Monday next.

On motion of Mr. Dort,

The consideration of the "Bill for the assessment and collection of taxes for 1838, and for other purposes," was postponed until to-morrow.

On motion of Mr. Wixom,

The House adjourned.

SATURDAY, APRIL 6.

The House met pursuant to adjournment, and on calling the roll, Messrs. Bacon, Meacham, Mead and Newton, were absent.

Prayer by Rev. Mr. Bury.

The journal of yesterday was read and corrected.

PETITIONS.

Mr. Little presented the petition of ninety-six persons of the town of Flint, Genesee county, praying for the repeal of the license law, and to prohibit the manufacture and sale of intoxicating liquors; referred to the select committee on that subject.

Mr. Davis presented the petition of Eli Curtis, of Oakland county, praying for an alteration of the law for the collection of debts; referred to the committee on the judiciary.

Mr. Mack presented the claim of J. Snow for wood; referred to the committee on claims.

REPORTS.

Mr. Ormsby, from the committee on the judiciary, reported "A bill to provide for regulating the terms of circuit courts, in certain counties, and for other purposes;" referred to the committee of the whole and ordered to be printed.

Mr. Tucker, from the select committee, to whom was referred a resolution passed by the House of Representatives, 1839, concerning certain amendments proposed to the Constitution of this State, relative to certain elections, reported a joint preamble and resolutions, which were amended by Mr. Adam, and

On motion of Mr. Acker,

The rule was suspended, and the same adopted, by the following vote:

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, |
| Mr. Adam, | Mr. Hooker, | Mr. Pond, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Saunders, |
| Mr. Brown, | Mr. Little, | Mr. Seeley, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Copeland, | Mr. Mack, | Mr. Speaker, |
| Mr. Davis, | Mr. McKee, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Eaton, | Mr. Ormsby, | |

NAYS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. A. Allen, | Mr. Durocher, | Mr. King, | |
| Mr. Axford, | Mr. Finney, | Mr. Patterson, | |
| Mr. Chase, | Mr. Gibbs, | Mr. Sheldon, | |
| Mr. Decker, | Mr. Goodwin, | Mr. Tackels, | 12 |

Mr. Finney called up the joint resolution relative to the Havre branch railroad, which was adopted.

Mr. Fitzgerald called up the joint resolution from the Senate, relative to the Macomb county Bank, and the same was agreed to.

On motion of Mr. King,

Resolved, That the committee on enrolment be authorized to employ such additional enrolling clerks as may be necessary during the remainder of the present session.

Mr. Finney called up for consideration a resolution relative to a railroad near the city of Monroe, and

On motion of Mr. Adam,

The same was laid on the table.

Mr. Acker offered the following joint preamble and resolution, which was laid upon the table :

Whereas, on or about the thirty-first day of December last, E. H. Lothrop, acting Commissioner on the Central railroad, received from and paid the account of one A. J. Centre, an engineer upon said road, of about two hundred dollars, for services alleged to have been performed for this State ; and whereas, the said account stated and set forth that said Centre had been in the employ of this State from the fifth day of November, 1838, to the thirty-first day December following, inclusive ; and whereas, it was known to the said Lothrop that the said Centre had left this State on or about the twenty-third day of October last, for the city of New York, on an excursion of pleasure, and did not return until about the twelfth day of December, being absent from the State a month and seven days, for which he has been paid by the said Lothrop at the rate of \$1,300 per annum ; and whereas, in the proper exercise of the duties pertaining to his office, the Auditor General refused to audit and allow an account so palpably unjust and in open violation of the principles of common honesty ; and whereas, no reasonable excuse existed to justify, or even palliate, so wanton an outrage upon the rights of the people and the pub-

lic treasure ; and whereas, the said Lothrop is seeking to obtain allowance of the same at the hands of this Legislature ; therefore,

Be it Resolved, by the Senate and House of Representatives of the State of Michigan, That E. H. Lothrop, acting Commissioner upon the Central railroad, has been guilty, in the above recited act, of grossly violating the trust reposed in him as a public officer, and should therefore be removed from office.

Mr. Renwick, by leave of the House, presented a petition of inhabitants of Washtenaw county, for the incorporation of the Huron river Bank ; referred to the committee on banks and incorporations.

The Speaker presented a petition and prospectus from Rt. Rev. F. Reese, bishop of Detroit, and others, relative to conferring degrees, &c. ; referred to the committee on education.

The following communication was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 6, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the "Bill to provide for the collection of demands against boats and vessels," and respectfully inform them that the Senate have concurred in the amendments thereto by the House to the first and twenty-first sections, but non-concur in the amendment in line fifth of section three.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And on motion of Mr. Adam,

The House receded from their amendment thereto, and the bill was ordered to be enrolled.

On motion of Mr. Adam,

Resolved, That the Auditor General be and is hereby requested to transmit to this House a copy of the contract made by him, in pursuance of the act authorizing said officer to negotiate for advances on certain instalments of the five million loan.

Mr. Mack called up the resolution reported by the committee of ways and means, relative to the payment of a certain sum of money to Thomas Beals, and the same was adopted.

Mr. Wixom offered a joint preamble and resolution in relation to legalizing the township elections in the township of Farmington, which were referred to the committee on elections.

Mr. Dort laid upon the table the following joint resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be authorized to procure by contract, condensed, and printed in pamphlet form, eight thousand copies of the laws now in force, and all laws that may be passed at this session of the Legislature, which are applicable to, and prescribing the duties of township officers, and to cause a sufficient number, as near as may be, to be sent to the clerk of each county, whose duty it shall be to distribute to the clerks of the several townships a sufficient number, so that the supervisor, township treasurer, assessors, commissioners of highways, overseers of highways, and directors of the poor, can each have one copy.

On motion of Mr. Adam,

The Senate bill "to vacate the seat of government, and establish the same at Marshall," was made the special order for Monday.

Mr. Shurts laid upon the table the following joint resolution :

Resolved, by the Senate and House of Representatives, That the Secretary of State be and he is hereby authorized to sell at auction the surplus number of the Revised Statutes, provided they bring the cost of printing and binding.

On motion of Mr. Dort,

The House went into committee of the whole, on the "Bill for the assessment and collection of taxes for the year 1838, and for other purposes," Mr. A. Allen in the chair; after spending some time thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

The House adjourned until Monday morning.

MONDAY, APRIL 8.

The House met pursuant to adjournment.

The roll being called, there were absent, Messrs. Menckham, Mead and Tucker.

The journal of Saturday was read.

RESOLUTIONS, NOTICES, &c.

On motion of Mr. Ormsby,

Resolved, That no member shall speak more than five minutes on any one question, without leave, either in the House or in committee of the whole.

On motion of Mr. Eaton,

Resolved, That the committee to whom was referred so much of the Governor's message as relates to the State loan, be, and they are hereby requested to report to this House without further or unnecessary delay.

Mr. Near offered the following resolution, which was laid on the table :

Whereas, the township clerk of the township of Ecorse, in the county of Wayne, did neglect to give the legal notice according to the statute for the holding of township meetings, which was held on the firstday of April, 1839, in said township, which was held in all respects according to law, except the notice aforesaid ; therefore,

Resolved, by the Senate and House of Representatives, That the proceedings of said meeting are hereby declared to be as legal as if the required notice had been given, and that officers elected at said meeting shall in all cases be considered legal officers.

Mr. Copeland gave notice that on a future day he would ask leave to introduce a bill to legalize the acts of a justice of the peace in the county of Jackson.

Mr. Dort called up the joint resolution, laid upon the table Saturday, relative to the distribution of the laws, and the same was adopted.

Mr. L. Allen asked and obtained leave of absence for Mr. Tucker until to-morrow.

Mr. Ormsby, from the committee to whom was referred the

bill from the Senate "to establish certain townships in the county of St. Clair, and for other purposes," reported the same back with a substitute therefor from the majority of the committee, which was laid upon the table.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, April 8, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return the following bills, which have passed the Senate viz :

"A bill to provide for the disposition of prisoners apprehended in the county of Shiawassee."

"A bill to amend an act entitled 'an act to incorporate the Port Sheldon and Grand Rapids rail road company,' " with amendments.

"A bill to incorporate Marshall college."

I am also instructed to transmit to the House of Representatives the "Bill to authorize a settlement with the Michigan State Bank," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

Also, the bill for abolishing imprisonment for debt, and respectfully inform you that the Senate have concurred in the report of the committee of conference thereon, to wit : add as section 29 as follows :

"The provisions of this act shall not extend to residents of a foreign power who have contracted debts with residents of this State before this act takes effect, until the expiration of one year after the taking effect of this act."

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the report of the committee of conference was concurred in by the House, on the bill to abolish imprisonment for debt, and the bill passed.

The "Bill to incorporate the Marshall college," was ordered to be enrolled.

The "Bill to authorize a settlement with the Michigan State Bank," was referred to the committee on ways and means.

And the House then concurred in some of the amendments made to the "Bill to incorporate the Port Sheldon and Grand Rapids railroad company," and non-concurred in the amendment to line 6, section 1, of said bill.

The Speaker announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }
April 8th, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"A joint resolution relative to the Macomb county bank."

S. T. MASON.

On motion, the House again went into committee of the whole, Mr. A. Allen in the chair, on the "Bill to provide for the assessment and collection of taxes for the year 1838, and for other purposes," and after spending some time thereon the committee rose and reported the bill back to the House with amendments, which were concurred in.

On motion of Mr. McKee,

The bill and amendments were laid upon the table and made the special order for Wednesday next, and a substitute, offered by Mr. Kee, directed to be printed.

On motion of Mr. Hammond,

The "Bill for the promotion of silk, and culture of mulberry," was referred to the committee on agriculture.

The Speaker announced a communication from the assistant cashier of the State bank, relative to moneys advanced to the members and officers of this Legislature, as called for, which was laid upon the table.

The House then went into committee of the whole, Mr. Copeland in the chair, on the "Bill making appropriations to John S. Bagg, State printer." After spending some time thereon, the committee rose, reported the bill back to the House, and the question being on the amendment to the amendment of the Senate, made by the committee, it was decided by yeas and nays, as follows

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hammond, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Tackels, |
| Mr. Eaton, | Mr. Livermore, | Mr. Wixom, |
| Mr. Finney, | Mr. Mack, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. McKee, | Mr. Stout, |
| Mr. Davis, | Mr. Near, | |

20

Mr. Acker moved to add to the above, the words "and also ten per cent from all other items in the bill," which was lost by the following vote.

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Davis, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. Lowry, | Mr. Stout, |
| Mr. Copeland, | Mr. Near, | Mr. Tackels, |

18

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Pond, |
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Hammond, | Mr. Seeley, |
| Mr. Clark, | Mr. King, | Mr. Sheldon, |

| | | |
|---------------|----------------|--------------|
| Mr. Decker, | Mr. Levake, | Mr. Shurts, |
| Mr. Dort, | Mr. Little, | Mr. Smith, |
| Mr. Durocher, | Mr. Livermore, | Mr. Speaker, |
| Mr. Eaton, | Mr. Mack, | Mr. Wixom, |
| Mr. Finney, | | |

31

The question being on the final passage of the bill, it was passed by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hammond, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Tackels, |
| Mr. Eaton, | Mr. Livermore, | Mr. Wixom, |
| Mr. Finney, | Mr. Mack, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. McKee, | Mr. Stout, |
| Mr. Davis, | Mr. Near, | |

20

On motion of Mr. Goodwin,
The House adjourned.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The roll being called, there were absent Messrs. Bacon, Grovier, Jennings, Levake, Pierce and Renwick.

And Mr. Tucker on leave.

On motion of Mr. Ormsby,

The committee of the whole were discharged from the consideration of the special order, being the "Bill to remove the seat of government to Marshall in the county of Calhoun."

Mr. Adam moved a call of the house, and Messrs. Bacon, Grovier, Jennings, Leake, Pierce, Renwick, and Mead, were absent.

Mr. Mead was excused on account of sickness.

On motion of Mr. Acker, further proceedings upon the call were dispensed with.

Mr. Bacon moved the postponement of the bill until Saturday next, which was lost.

Mr. Acker moved to postpone until the first Monday in May.

Mr. A. Allen moved to amend the amendment by laying the same on the table, which was lost by the following vote:

YEAS.

| | | |
|-----------------|----------------|---------------|
| Mr. A. Allen, | Mr. Hooker, | Mr. Saunders, |
| Mr. Axford, | Mr. Little, | Mr. Smith, |
| Mr. Beaufait, | Mr. Livermore, | Mr. Speaker, |
| Mr. Brown, | Mr. Near, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tackels, |
| Mr. Hammond, | | |

16

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Meacham, |
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. L. Allen, | Mr. Finney, | Mr. Newton, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Chase, | Mr. Goodwin, | Mr. Pond, |
| Mr. Clark, | Mr. Howland, | Mr. Seeley, |
| Mr. Copeland, | Mr. King, | Mr. Sheldon, |
| Mr. Davis, | Mr. Lowry, | Mr. Shurta, |
| Mr. Decker, | Mr. Mack, | Mr. Wixon, |
| Mr. Dort, | | |

22

The question then being on postponing until the first Monday in May, the same was lost by the following vote:

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Dort, | Mr. Near, |
| Mr. Axford, | Mr. Durocher, | Mr. Newton, |
| Mr. Beaufait, | Mr. Eaton, | Mr. Renwick, |
| Mr. Brown, | Mr. King, | Mr. Saunders, |
| Mr. Chase, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, |

21

NAYS.

| | | |
|-----------------|--------------|----------------|
| Mr. Adam, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Pond, |
| Mr. Chapin, | Mr. Howland, | Mr. Seeley, |
| Mr. Davis, | Mr. Hooker, | Mr. Shurts, |
| Mr. Decker, | Mr. Lowry, | Mr. Smith, |
| Mr. Finney, | Mr. Little, | Mr. Tackels, |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Wixom, |
| Mr. Gibbs, | | |

25

Mr. Fitzgerald moved to lay the bill upon the table; lost.

Mr. Adam moved to strike out the words "Marshall, in Calhoun county," which was carried by the following vote:

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Durocher, | Mr. McKee, |
| Mr. Adam, | Mr. Eaton, | Mr. Near, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, |
| Mr. Beaufait, | Mr. Howland, | Mr. Ormsby, |
| Mr. Chase, | Mr. Hooker, | Mr. Pierce, |
| Mr. Clark, | Mr. Jennings, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Saunders, |
| Mr. Davis, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Decker, | Mr. Mack, | Mr. Wixom, |
| Mr. Dort, | | |

26

NAYS.

| | | |
|-----------------|----------------|--------------|
| Mr. A. Allen, | Mr. Grovier, | Mr. Seeley, |
| Mr. Axford, | Mr. Hammond, | Mr. Shurts, |
| Mr. Brown, | Mr. King, | Mr. Smith, |
| Mr. Chapin, | Mr. Little, | Mr. Speaker, |
| Mr. Finney, | Mr. Meacham, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Pond, | |

20

Mr. Adam moved to insert "Ann Arbor, in the county of Washtenaw."

Mr. Acker moved to amend by inserting the word "Saginaw;" which was lost.

Mr. Durocher moved to insert the words "Monroe, in the county of Monroe;" lost.

Mr. Axford moved to insert "Utica, in Macomb county;" lost.

Mr. Pond moved to lay it on the table; lost.

Mr. Acker then moved an indefinite postponement, which was lost by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Eaton, | Mr. Saunders, |
| Mr. Axford, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. King, | Mr. Shurts, |
| Mr. Brown, | Mr. Livermore, | Mr. Speaker, |
| Mr. Chase, | Mr. Mack, | Mr. Stout, |
| Mr. Clark, | Mr. Meacham, | Mr. Tackels, |
| Mr. Copeland, | Mr. Near, | Mr. Wixom, |
| Mr. Dort, | Mr. Newton, | |

23

NAYS.

| | | |
|-----------------|--------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. McKee, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. Chapin, | Mr. Hammond, | Mr. Pierce, |
| Mr. Davis, | Mr. Howland, | Mr. Pond, |
| Mr. Decker, | Mr. Hooker, | Mr. Renwick, |
| Mr. Durocher, | Mr. Lowry, | Mr. Seeley, |
| Mr. Finney, | Mr. Little, | Mr. Smith, |
| Mr. Fitzgerald, | | |

25

Mr. Hooker then moved to postpone the same until Saturday next, which was lost by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Axford, | Mr. Hooker, | Mr. Pond, |
| Mr. Beaufait, | Mr. Little, | Mr. Saunders, |
| Mr. Brown, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Chase, | Mr. Mack, | Mr. Shurts, |
| Mr. Clark, | Mr. Meacham, | Mr. Smith, |
| Mr. Decker, | Mr. Near, | Mr. Speaker, |
| Mr. Eaton, | Mr. Newton, | Mr. Stout, |
| Mr. Hammond, | Mr. Patterson, | |

23

NAYS.

| | | |
|------------|-----------------|------------|
| Mr. Acker, | Mr. Finney, | Mr. Lowry, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |

| | | |
|---------------|---------------|--------------|
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Pierce, |
| Mr. Chapin, | Mr. Grovier, | Mr. Renwick, |
| Mr. Copeland, | Mr. Howland, | Mr. Seeley, |
| Mr. Davis, | Mr. Jennings, | Mr. Tackels, |
| Mr. Dort, | Mr. King, | Mr. Wixom, |
| Mr. Durocher, | | |

25

Mr. Acker then moved to strike out all after the enacting clause, which was lost by the following vote:

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Dort, | Mr. Near, |
| Mr. Axford, | Mr. Eaton, | Mr. Newton, |
| Mr. Beaufait, | Mr. Howland, | Mr. Saunders, |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, |
| Mr. Copeland, | Mr. Mack, | Mr. Tackels, |
| Mr. Decker, | Mr. Meacham, | |

23

NAYS.

| | | |
|-----------------|--------------|----------------|
| Mr. Adam, | Mr. Goodwin, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Hammond, | Mr. Pond, |
| Mr. Chapin, | Mr. Hooker, | Mr. Renwick, |
| Mr. Davis, | Mr. Lowry, | Mr. Seeley, |
| Mr. Durocher, | Mr. Little, | Mr. Smith, |
| Mr. Finney, | Mr. McKee, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Gibbs, | | |

25

Mr. Acker then moved to insert "Jackson, in the county of Jackson," which was lost.

The question then recurring on inserting "Ann Arbor, in the county of Washtenaw," it was lost by the following vote:

YEAS.

| | | |
|---------------|--------------|---------------|
| Mr. Adam, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pierce, |
| Mr. Chase, | Mr. Little, | Mr. Renwick, |
| Mr. Davis, | Mr. Mack, | Mr. Saunders, |

| | | | |
|-------------|--------------|--------------|----|
| Mr. Decker, | Mr. Meacham, | Mr. Sheldon, | |
| Mr. Dort, | Mr. Newton, | Mr. Wixom, | 18 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Finney, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Near, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Brown, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Hammond, | Mr. Shurts, | |
| Mr. Clark, | Mr. Hooker, | Mr. Smith, | |
| Mr. Copeland, | Mr. Jennings, | Mr. Speaker, | |
| Mr. Durocher, | Mr. King, | Mr. Stout, | |
| Mr. Eaton, | Mr. Livermore, | Mr. Tackles, | 30 |

Mr. McKee then moved a reconsideration of the vote striking out "Marshall, in the county of Calhoun;" lost, by the following vote :

YEAS.

| | | | |
|-----------------|----------------|--------------|----|
| Mr. Adam, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Chapin, | Mr. Hammond, | Mr. Smith, | |
| Mr. Finney, | Mr. McKee, | Mr. Speaker, | |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Stout, | |
| Mr. Gibbs, | Mr. Pond, | Mr. Wixom, | |
| Mr. Goodwin, | Mr. Seeley, | | 17 |

NAYS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Acker, | Mr. Dort, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Durocher, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Eaton, | Mr. Near, | |
| Mr. Axford, | Mr. Howland, | Mr. Newton, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Chase, | Mr. King, | Mr. Renwick, | |
| Mr. Clark, | Mr. Lowry, | Mr. Saunders, | |
| Mr. Copeland, | Mr. Little, | Mr. Sheldon, | |
| Mr. Davis, | Mr. Livermore, | Mr. Tackles, | |
| Mr. Decker, | | | 31 |

Mr A. Allen moved to postpone the same until Friday next ; lost.

Mr. McKee moved the indefinite postponement of the same, which prevailed by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. Axford, | Mr. Howland, | Mr. Newton, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Pierce, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chase, | Mr. King, | Mr. Saunders, |
| Mr. Clark, | Mr. Little, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Livermore, | Mr. Shurts, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. Meacham, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | |

29

NAYS.

| | | |
|-----------------|--------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Pond, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hammond, | Mr. Smith, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |
| Mr. Finney, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

19

On motion of Mr. McKee,

The consideration of the special order, being the "Bill in relation to internal improvements," was postponed until Wednesday next.

On motion of Mr. Acker,

The committee of the whole were discharged from the consideration of the "Bill to incorporate the Marshall female seminary," and the bill was read a third time and passed by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Meacham, |
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |

| | | | |
|---------------|----------------|---------------|----|
| Mr. Brown, | Mr. Hammond, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Howland, | Mr. Saunders, | |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Clark, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. King, | Mr. Shurts, | |
| Mr. Davis, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Decker, | Mr. Little, | Mr. Stout, | |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, | 45 |

NAYS.

0

On motion of Mr. Adam,

The committee of the whole were discharged from the "Bill to incorporate the Grand river Geological seminary," and the same was read a third time and passed by the following vote :

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Eaton, | Mr. Livermore, | |
| Mr. Adam, | Mr. Finney, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. McKee, | |
| Mr. Axford, | Mr. Grovier, | Mr. Newton, | |
| Mr. Beaufait, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Brown, | Mr. Howland, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Clark, | Mr. King, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Shurts, | |
| Mr. Dort, | Mr. Little, | Mr. Stout, | |
| Mr. Durocher, | | | 37 |

NAYS.

| | | | |
|----------------|--------------|--------------|---|
| Mr. Goodwin, | Mr. Smith, | Mr. Tackels, | |
| Mr. Patterson, | Mr. Speaker, | Mr. Wixom, | |
| Mr. Pond, | | | 7 |

The question being on the title,

Mr. Adam moved to insert the word "Theological" before the word "Seminary;" adopted.

Mr. Goodwin moved to insert the words "Trustees of" before "Grand river;" adopted.

On motion of Mr. Hammond,

The consideration of the Senate bills was postponed for to-day.

On motion of Mr. Finney,

The committee of the whole were discharged from the consideration of the bill to authorize the building of a dam across Red Cedar river; the House having the same under consideration,

On motion of Mr. McKee, it was laid upon the table.

Mr. Finney called up for the consideration of the House, the committee of the whole having been discharged therefrom, the "Bill to legalize the election in Ottawa county."

Mr. Goodwin moved to strike out the last clause of the last section, which motion prevailed, and the bill was read a third time and passed.

On motion of Mr. Hammond,

The House took up the "Bill to authorize the Superintendent of public instruction to grant certain privileges to Elisha Doane, of the county of Kalamazoo," and the same was read a third time and passed.

On motion of Mr. A. Allen,

The House took up the "Bill to authorize Mary Ann Whitney to convey certain real estate," which was read a third time and passed.

On motion of Mr. Acker,

The House took up the bill (the committee of the whole having been discharged therefrom,) to amend an act, entitled "An act to incorporate the trustees of the Spring Arbor seminary," passed March 23, 1835, which was amended by Mr. Goodwin, and read a third time and passed by a two thirds vote.

On motion of Mr. Smith,

The House went into committee of the whole, Mr. Livermore in the chair, on the "Bill to provide for the more effectual defence of the State against foreign invasion," and after spending some time thereon, the committee rose, and reported back the same with an amendment, which the House concurred in.

Mr. Renwick moved to strike out the third section, which was lost.

Mr. Saunders moved to strike out the fifth section of the bill, which was lost.

Mr. Ormsby moved to strike out "five" in the fifth line of the fifth section, and insert "ten."

Mr. McKee moved to amend by striking out all after the enacting clause; lost, by the following vote:

YEAS.

| | | |
|---------------|--------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. McKee, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | | |

7

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pond, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chase, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Clark, | Mr. Jennings, | Mr. Shurts, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Tackels, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |
| Mr. Finney, | Mr. Newton, | |

38

The question being on striking out the word "five," the same was lost.

Mr. Saunders offered the following amendment to the fifth line of the 4th section, to come in after the word "provided."

"That the said brigade, so organized, shall do military duty by companies five days in each year;" which was lost.

Mr. Pond moved to insert in section 5, line 11th, the words "sufficient time has expired for" and the word "after his discharge," which was carried.

On motion of Mr. Fitzgerald,

The bill was read a third time and passed by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |
| Mr. Chapin, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chase, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Clark, | Mr. Jennings, | Mr. Shurts, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Decker, | Mr. Little, | Mr. Speaker, |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Tackels, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |
| Mr. Finney, | | |

37

NAYS.

| | | |
|---------------|--------------|---------------|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Saunders, |
| Mr. Davis, | Mr. McKee, | |

8

On motion of Mr. Beaufait,

The House adjourned.

TUESDAY, APRIL 9.

The House met pursuant to adjournment. On calling the roll, Messrs. Levake and Mead were absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and corrected.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to provide for the disposition of prisoners apprehended in the county of Shiawassee."

Mr. Renwick, from the committee to whom were referred certain petitions of inhabitants of the county of St. Clair, praying for a certain State road, reported adverse to said petitions, and on his motion were discharged from the further consideration thereof.

Mr. Mack, from the committee on ways and means, to whom was referred a bill from the Senate, entitled "A bill to authorize a settlement with Michigan State bank," reported, that they have considered the same and directed him to report the same back, with one amendment, viz: to associate the name of Andrew G. Hammond with those in the bill for settling with said institution.

And the bill was referred to committee of the whole.

Mr. Mack, from the committee to whom was referred the petition of N. B. Carpenter, inspector of provisions for the county of Wayne, having considered the subject matter of said petition, reported a bill amendatory of the inspection laws.

And the bill was referred to committee of the whole and ordered to be printed.

Mr. Ormsby, from the select committee to whom was referred the duty of inquiring into the situation of the contract for constructing the 3d division of the central rail road, and report what legislative action, if any, is necessary to hasten its completion, respectfully reported:

That they have had the same under consideration, and learn that by the terms of the contract the same should have been completed by the first day of October last; that the work is far short of being completed, and that but little progress is now making upon it; that no satisfactory reason exists why the work was not completed within the time specified by the contract, except the

non-arrival of the iron, and that various ineffectual expedients have been resorted to by the board of Commissioners and by the chief Engineer, to hasten the work forward.

By the terms of the contract, the contractor was privileged to transport articles necessary for the work on the railroad free of expense, a provision which your committee are satisfied has been grossly abused, both by the carriage of large amounts of property belonging to the contractor, not contemplated in the afore-said provision of the contract, and by the carriage of property belonging to other persons, but under the contractor's name, but to what extent, your committee were unable to determine definitely, for reason of a want of a full account upon the collector's books. By consulting with the acting Commissioner and the chief Engineer, your committee are satisfied that to the first of June next, is as much time as should now be allowed for the completion of the contract. They therefore recommend the adoption of the following resolution, viz :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of Commissioners of internal improvements shall charge to the contractor, for the construction of the third division of the central rail road, all damage that shall or may accrue, to the State, by reason of the non-fulfilment of his contract by the first day of June next, and if not paid when demanded, to prosecute him and his securities for the collection of the same.

Mr. Dort moved to lay the same on the table ; lost.

Mr. Smith moved to refer it to the committee on internal improvement, which did not prevail.

On motion, the rule was suspended, and the resolution adopted.

Mr. Sheldon moved to make bill number seventy-one the special order for Thursday next ; lost.

Mr. Adam, by leave of the House, introduced a "Bill to incorporate the Adrian Mutual Insurance company," which was referred to the committee on banks and incorporations.

Mr. Copeland, pursuant to leave, introduced a "Bill to legalize the official acts of John Dewey, justice of the peace," which was referred to the committee on the judiciary.

Mr. Near called up his preamble and resolution of yesterday, relative to the election in township of Ecorse ; and,

On motion of Mr. McKee,

The same was referred to the committee on elections.

Mr. Adam offered the following joint resolution, which, on his motion, the rule was suspended, and the resolution adopted :

Resolved by the House of Representatives, (the Senate concurring herein,) That the election of bank directors be postponed until Friday next at 11 o'clock, A. M.

Mr. Shurtis called up his joint resolution, laid upon table, when Mr. Mack offered the following amendment, which was adopted :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State is hereby authorized to sell to any citizen of this State a copy of the Revised Statutes for \$3, and pay the money to the Treasurer.

On motion of Mr. Wixom,

Resolved, That the select committee to whom was committed the examination of the disbursements of the board of Commissioners of internal improvement, be, and they are hereby instructed to report to this House the result of their investigation, on or before Thursday next.

On motion of Mr. Renwick,

The committee of the whole were discharged from consideration of the "Bill to authorize the county commissioners of Washtenaw county to loan a certain sum of money."

And the House having the same under consideration,

Mr. Goodwin moved to strike out section 2 of the bill, which did not prevail.

On motion of Mr. Renwick,

The bill was read a third time and passed.

Mr. Little moved the consideration of bill number sixty, which was lost.

On motion of Mr. Bacon,

The committee of the whole were discharged from the consideration of the "Bill to confirm the conveyance of the trustees of the French Catholic church of Monroe to the Right. Rev. Frederick Rese, Bishop of Detroit," and, on his motion, the bill was ordered to a third reading.

On motion of Mr. Chapin,

The House went into committee of the whole, Mr. Dort in the

chair, on the "Bill to more effectually protect the public against various frauds," and after spending some time thereon, the committee rose and reported the same back without amendment.

Mr. Shurts moved to insert in the sixth section, lines 4 and 5, the words "not less than five hundred nor more than one thousand," and "not less than ten years."

Mr. Adam moved to amend the above, by striking out "five," and insert "one," and instead of "1,000" "10,000;" adopted.

Mr. A. Allen moved to amend by striking out the word "six," and insert "three," in 5th section; adopted.

Mr. Lowry moved to amend by inserting after "business" in the seventh line, "as well as redeeming all bills presented for redemption;" lost.

Mr. Adam moved to amend by striking out "or," and inserting "and;" in the 6th line; adopted.

On motion of Mr. Chapin,

The bill was read a third time and passed.

On motion of Mr. Little, the House took up the Senate "Bill to authorize a settlement with the Michigan State bank."

On motion of Mr. Adam,

The bill was amended in the fourth line of the 1st section, so as to read, "as a committee on the part of this Legislature;" adopted.

And the House concurred in the amendment proposed by the committee of ways and means, and

On motion of Mr. Mack,

The bill was read a third time and passed.

The House then went into committee of the whole, on the Senate "Bill to amend chapter 1, title 10, part 1, of the Revised Statutes, of religious societies," Mr. Eaton in the chair.

After spending some time thereon, the committee rose, reported the bill back without amendment, and ordered it to a third reading.

On motion of Mr. Fitzgerald, the bill was then read a third time and passed by the following vote:

YEAS.

Mr. Adam,

Mr. Grovier,

Mr. Newton,

Mr. Beaufait,

Mr. Howland,

Mr. Patterson,

Mr. Chase,

Mr. Hooker,

Mr. Pierce,

| | | | |
|-----------------|---------------|---------------|----|
| Mr. Clark, | Mr. Jennings, | Mr. Pond, | |
| Mr. Decker, | Mr. King, | Mr. Renwick, | |
| Mr. Dort, | Mr. Lowry, | Mr. Saunders, | |
| Mr. Durocher, | Mr. Little, | Mr. Sturts, | |
| Mr. Eaton, | Mr. Mack, | Mr. Smith, | |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Speaker, | |
| Mr. Gibbs, | Mr. Near, | Mr. Wixom, | 30 |

NAYS.

| | | |
|--------------|--------------|---|
| Mr. Goodwin, | Mr. Meacham, | 2 |
|--------------|--------------|---|

Mr. Saunders presented a claim of James Stilson ; referred to committee on claims.

On motion of Mr. Mack,

The committee of the whole were discharged, and the House took up the bill to continue the Clinton and Kalamazoo canal, from its present eastern termination in the Clinton river at Mount Clemens, to the navigable waters of Lake St. Clair, at Belvidere ; when,

Mr. Speaker moved that it be re-committed to the committee on internal improvements, with instructions to report their opinion as to the feasibility of the proposed extension ; which was withdrawn.

When, on motion, Mr. Pond moved to lay the bill on the table, which was lost by the following vote :

YEAS.

| | | | |
|---------------|----------------|------------|----|
| Mr. A. Allen, | Mr. Davis, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Decker, | Mr. Smith, | |
| Mr. Chapin, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Chase, | Mr. Near, | | 11 |

NAYS.

| | | | |
|---------------|---------------|----------------|--|
| Mr. Adam, | Mr. Howland, | Mr. Ormsby, | |
| Mr. Bacon, | Mr. Hooker, | Mr. Patterson, | |
| Mr. Brown, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Clark, | Mr. King, | Mr. Renwick, | |
| Mr. Dort, | Mr. Lowry, | Mr. Saunders, | |
| Mr. Durocher, | Mr. Little, | Mr. Sheldon, | |
| Mr. Eaton, | Mr. Mack, | Mr. Shurts, | |
| Mr. Finney, | Mr. Meacham, | Mr. Speaker, | |

| | | |
|--------------|-------------|--------------|
| Mr. Goodwin, | Mr. McKee, | Mr. Tackels, |
| Mr. Grovier, | Mr. Newton, | Mr. Tucker, |
| Mr. Hammond, | | |

31

Mr. Adam moved the indefinite postponement of the bill, which was lost by the following vote :

YEAS.

| | | | |
|---------------|---------------|---------------|----|
| Mr. Adam, | Mr. Copeland, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Davis, | Mr. Near, | |
| Mr. L. Allen, | Mr. Dort, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Eaton, | Mr. Smith, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Speaker, | |
| Mr. Clark, | Mr. Lowry, | Mr. Wixom, | 18 |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Bacon, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Jennings, | Mr. Patterson, | |
| Mr. Chase, | Mr. King, | Mr. Pierce, | |
| Mr. Decker, | Mr. Little, | Mr. Pond, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Renwick, | |
| Mr. Finney, | Mr. Mack, | Mr. Shurts, | |
| Mr. Grovier, | Mr. Meacham, | Mr. Tackels, | |
| Mr. Hammond, | Mr. Newton, | Mr. Tucker, | |
| Mr. Howland, | | | 25 |

Mr. Finney moved to strike out all after the fifth line in section two.

Mr. Goodwin moved to amend the amendment by striking out all after the word "for" in the third line of the same section, which was carried by the following vote :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Newton, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Renwick, |
| Mr. Brown, | Mr. King, | Mr. Saunders, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Livermore, | Mr. Smith, |
| Mr. Davis, | Mr. Meacham, | Mr. Speaker, |

Mr. Dort,
Mr. Durocher,

Mr. McKee,
Mr. Near,

Mr. Wixom,

22

NAYS.

Mr. A. Allen,
Mr. Chase,
Mr. Decker,
Mr. Finney,
Mr. Howland,

Mr. Hooker,
Mr. Jennings,
Mr. Mack,
Mr. Pierce,

Mr. Pond,
Mr. Shurts,
Mr. Tackels,
Mr. Tucker,

13

Mr. Pond moved to strike out all the rest of the section, which was lost.

Mr. Livermore moved to strike out the words "cutting across the bends of said river" in the 6th and 7th lines of the first section, which was lost.

Mr. A. Allen moved to strike out the words "towing path," in the sixth line; lost.

Mr. Wixom moved to strike out all after the enacting clause, which was lost.

Mr. Chapin moved that the House adjourn; lost.

The question being on striking out all after the enacting clause, it was lost by the following vote:

YEAS.

Mr. Adam,
Mr. A. Allen,
Mr. Beaufait,
Mr. Chapin,
Mr. Clark,
Mr. Copeland,

Mr. Davis,
Mr. Dort,
Mr. Eaton,
Mr. Gibbs,
Mr. Goodwin,
Mr. McKee,

Mr. Saunders,
Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Wixom,

17

NAYS.

Mr. L. Allen,
Mr. Bacon,
Mr. Brown,
Mr. Chase,
Mr. Decker,
Mr. Durocher,
Mr. Finney,
Mr. Grovier,

Mr. Hooker,
Mr. Jennings,
Mr. Lowry,
Mr. Little,
Mr. Livermore,
Mr. Mack,
Mr. Meacham,
Mr. Near,

Mr. Ormsby,
Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Renwick,
Mr. Seeley,
Mr. Shurts,
Mr. Tackels,

Mr. Hammond,
Mr. Howland,

Mr. Newton,

Mr. Tucker,

28

The House then adjourned.

AFTERNOON SESSION.

Half past 2 o'clock, P. M.

The roll being called, there were absent Messrs. Acker, Le-
vake and Mead.

The question being on the unfinished business of the morning,
to wit: "the bill to continue the Clinton and Kalamazoo canal
from its present eastern termination, in the Clinton river, at Mt.
Clemens, to the navigable waters of Lake St. Clair, at Belvidere,"

On motion of Mr. Finney,

The bill was read a third time and passed by the following
vote:

YEAS.

Mr. A. Allen,
Mr. L. Allen,
Mr. Axford,
Mr. Bacon,
Mr. Brown,
Mr. Chase,
Mr. Decker,
Mr. Durocher,
Mr. Finney,
Mr. Fitzgerald,

Mr. Howland,
Mr. Hooker,
Mr. Jennings,
Mr. King,
Mr. Lowry,
Mr. Little,
Mr. Livermore,
Mr. Mack,
Mr. Meacham,

Mr. Newton,
Mr. Ormsby,
Mr. Pierce,
Mr. Pond,
Mr. Renwick,
Mr. Seeley,
Mr. Stout,
Mr. Tackels,
Mr. Tucker,

28

NAYS.

Mr. Adam,
Mr. Chapin,
Mr. Clark,
Mr. Copeland,
Mr. Eaton,

Mr. Gibbs,
Mr. Goodwin,
Mr. Near,
Mr. Saunders,

Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Wixom,

13

Mr. Tucker moved to lay the resolution offered by Mr. Acker
on Saturday last, relative to E. H. Lothrop, on the table, which
was adopted.

The bill from the Senate, relative to the relief of Calvin C.
Parks and others being under consideration,

On motion of Mr. Wixom,

That portion of the bill relative to the payment of the clerk of Lenawee county was stricken out, and on his motion the bill was laid on the table.

On motion of Mr. Goodwin,

The House went into committee of the whole, Mr. Ormsby in the chair, on the "Bill to provide for the further distribution of the revised code and for other purposes," and after some time spent thereon, the committee rose, reported the same back to the House with sundry amendments, which were concurred in.

On motion of Mr. Ormsby,

The rule was suspended, and the bill read a third time and passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, April 9, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the joint resolution postponing the election of State bank directors, which has been concurred in by the Senate.

Also, the "Bill to legalize the elections in Ottawa county," which has passed the Senate.

Also, the "Bill to amend an act entitled an act to incorporate the Port Sheldon and Grand Rapids railroad company," and respectfully inform you that the Senate have receded from their amendment to the sixth line of section one thereof.

I am also instructed to return to the House the "Bill to amend the Revised Statutes, in relation to taverns and other licensed houses," and respectfully inform you that the Senate have adopted the report of the committee of conference thereto attached, and passed said bill.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

On motion of Mr. Ormsby,

The House took up the " Bill to provide for regulating the

terms of the circuit courts in certain counties, and for other purposes."

On motion of Mr. Bacon,

The blanks in line five, section one, were filled with the words "June and December."

On motion of Mr. Mack,

The blanks in line 4 were filled with the words "fourth Tuesday of April," and "the Tuesday after the second Monday in November."

Mr. Mack also offered the following proviso to the 1st section of the bill :

" Provided, That all civil causes, writs, process, executions and other matters whatsoever, pending in, or issued, or to be issued before the fourth Tuesday of April instant, or returnable into the circuit court for the said county of Wayne, or any in said April term for 1839, shall be continued and proceeded in and be returned into said circuit court of said county, at the next following regular term of said court, as fully and effectually as though said causes, writs, process, executions and other matters had been regularly continued to, and made returnable at, the second term of said court ; provided further, that no extra session of the said circuit court for the trial of any civil causes whatever, shall be held in the county of Wayne during the year 1839 ; any law giving such power and authority to the judges, to the contrary notwithstanding."

And the question was decided, by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mack, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Dort, | Mr. King, | Mr. Shurts, |
| Mr. Eaton, | Mr. Livermore, | |

11

NAYS.

| | | |
|---------------|--------------|----------------|
| Mr. L. Allen, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, |
| Mr. Chase, | Mr. Hooker, | Mr. Pierce, |
| Mr. Clark, | Mr. Lowry, | Mr. Pond, |
| Mr. Davis, | Mr. Little, | Mr. Seeley, |

| | | | |
|---------------|--------------|--------------|----|
| Mr. Decker, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Durocher, | Mr. McKee, | Mr. Stout, | |
| Mr. Finney, | Mr. Near, | Mr. Tucker, | 24 |

On motion of Mr. Durocher, the bill was laid on the table.

Mr. Sheldon called up, and on motion of Mr. Finney, the committee of the whole were discharged from the consideration of the "Bill to amend an act entitled an act to provide for the appointment of a State printer, and to prescribe his powers and duties," approved March 3, 1837.

Mr. Sheldon then offered a substitute for the entire bill; which being under consideration,

Mr. Eaton moved to insert "once in two years," instead of every year, which was lost.

Mr. McKee moved to lay the bill upon the table, and Mr. Adam amended, that it be made the special order for to-morrow; agreed to.

Mr. Eaton moved to adjourn, which was lost.

The bill from the Senate, in relation to tavern licenses being under consideration, the House concurred in the report of the committee of conference, and the bill was passed.

On motion of Mr. L. Allen,

The bill to change the name of the first presbyterian church and society of Sharon and Bridgewater, was taken up, read a third time and passed.

On motion of Mr. Decker,

The "Bill to authorize the administrator on the estate of James Riggs to sell real estate," was taken up, read a third time and passed.

Mr. Tucker called up the bill from the Senate, relative to the establishment of township lines in St. Clair county, and for other purposes, and the substitute offered by the committee on towns and counties, and the question being on the substitute, it was lost.

The Senate bill then being under consideration,

Mr. McKee moved to refer the 3d section of the bill to the committee on elections.

Mr. Adam moved to amend the 3d section by inserting the words "which would have been legal and valid, if said line had

run as designated in the two preceding sections ;" which was agreed to.

The bill was then read a third time and passed.

Mr. Shurts offered the following resolution :

Resolved, That we hold evening sessions during the remaining part of this session, unless otherwise ordered by the House.

Pending which,

The House adjourned.

WEDNESDAY, APRIL 10.

The House met pursuant to adjournment, and on calling the roll, Messrs. Mead and Renwick were absent.

The journal of yesterday was read and approved.

The Speaker presented a claim of E. B. Harrington and E. J. Roberts ; referred to the committee on claims.

Mr. Patterson, from the committee on agriculture, reported back the " Bill for the promotion of silk and culture of the mulberry," without amendment ; placed upon the general order.

Mr. Gibbs, from the committee on the judiciary, reported the bill, without amendment, " to legalize the official acts of John Dewey, justice of the peace," which was placed upon the general order.

Mr. Hammond, from the select committee to whom was committed the duty of inquiring into the affairs of the Bank of Ypsilanti, made a report thereon, accompanied by a " Bill to repeal the charter of the Bank of Ypsilanti ;" the bill was referred to the committee of the whole, and,

On motion of Mr. Goodwin,

The report was ordered to be printed.

Mr. Axford, pursuant to notice, introduced an " Act to amend an act, approved March 22, 1838, relative to a geological survey of this State ;" referred to the committee on education.

Mr. Bacon, from the select committee, to whom was referred the subject matter of the five million loan, made a report thereon, accompanied with sundry documents, which were laid upon the table ; and,

On motion of Mr. Chapin,

One thousand copies were ordered to be printed.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to incorporate the Marshall college."

"An act to amend an act entitled 'an act to incorporate the Port Sheldon and Grand Rapids railroad company.'"

And "An act to legalize the elections in Ottawa county."

Mr. Fitzgerald, from the committee on banks and incorporations, reported back to the House the "Bill to incorporate the Adrian insurance company;" referred to the committee of the whole, and ordered to be printed.

Mr. McKee, from the committee on towns and counties, reported a "Bill to organize a certain township;" and,

On motion of Mr. Ormsby,

The rule was suspended, the bill read a third time and passed.

On motion of Mr. Fitzgerald,

The several bills to provide for establishing roads and bridges, were all referred to the committee on roads and bridges, with a view of condensing the same.

Mr. Acker called up his resolution, offered Saturday, relative to E. H. Lothrop, acting Commissioner on the central railroad, when Mr. Fitzgerald offered the following substitute:

Resolved, That the preamble and joint resolution presented to this House by Mr. Acker, a representative from Jackson county, on the 6th inst., in relation to E. H. Lothrop, is an unjust and slanderous attack upon the conduct and character of a faithful and meritorious public officer, and a direct and premeditated insult offered to the majority of the members of this House, who had, after examination and discussion, approved of said Lothrop's account, referred to in said Acker's resolution, and ordered its payment, and that said Acker justly deserves the censure of this House.

Which was afterwards withdrawn.

The question then being on the original resolution,

Mr. Copeland moved to postpone the same indefinitely, and the motion was lost, by the following vote:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. L. Allen, | Mr. Hammond, | Mr. Ormsby, |
| Mr. Axford, | Mr. King, | Mr. Seeley, |
| Mr. Bacon, | Mr. Little, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Meacham, | Mr. Speaker, |
| Mr. Brown, | Mr. Near, | Mr. Tackels, |
| Mr. Copeland, | Mr. Newton, | Mr. Tucker, |
| Mr. Eaton, | | |

19

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Livermore, |
| Mr. Adam, | Mr. Finney, | Mr. Mack, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Pierce, |
| Mr. Chase, | Mr. Goodwin, | Mr. Pond, |
| Mr. Clark, | Mr. Grovier, | Mr. Saunders, |
| Mr. Davis, | Mr. Howland, | Mr. Shurts, |
| Mr. Decker, | Mr. Jennings, | Mr. Smith, |
| Mr. Dort, | Mr. Lowry, | Mr. Wixom, |

27

The question then being upon the passage of the resolution, the same was lost, by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Meacham, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Davis, | Mr. Lowry, | |

8

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Brown, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Hammond, | Mr. Shurts, |
| Mr. Chase, | Mr. King, | Mr. Smith, |
| Mr. Clark, | Mr. Little, | Mr. Speaker, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Durocher, | Mr. Newton, | |

39

Mr. Copeland, pursuant to notice, introduced a "Bill to incorporate the Merchants' bank of Jackson county; referred to the committee on banks and incorporations.

Mr. Little presented a petition from sundry citizens of Saginaw and Midland counties, for a State road; referred to the committee on roads and bridges.

The "Bill to confirm the conveyance of the trustees of the French Catholic church of the city of Monroe, to the Rt. Rev. F. Rese, bishop of Detroit," was then read the third time and passed.

The House then resumed, in committee of the whole, the consideration of the "Bill for the regulation of internal improvements, and for the appointment of a Board of Commissioners," Mr. Axford in the chair, and after spending some time thereon, the committee rose, reported the bill back to the House with sundry amendments, which the House concurred in, and then adjourned.

AFTERNOON SESSION.

Half-past two o'clock, P. M.

The House met pursuant to adjournment, and the roll being called, there were absent Messrs. Acker, Goodwin, Hammond, Mead, Renwick and Smith.

The Speaker announced the following message from the Governor, by his secretary, S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 10th, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the collection of demands against boats and vessels.

An act to authorize a settlement with the Michigan State bank.

An act to amend an act entitled "An act to incorporate the Port Sheldon and Grand Rapids railroad company."

An act to provide for the disposition of prisoners apprehended within the county of Shiawassee.

An act to legalize elections in Ottawa county.

A joint resolution relative to the State penitentiary.

An act making special appropriations, and for other purposes.

S. T. MASON.

Mr. Gibbs asked leave of absence for Mr. Hammond.

Mr. Speaker asked leave of absence for Mr. Goodwin.

And Mr. Ormsby for Mr. Renwick, which were granted.

Mr. Little asked and obtained leave to introduce a bill for a laying out and establishing a State road in Saginaw and Midland counties, and the bill was read a first and second time.

Mr. Eaton asked and obtained leave to introduce the following resolution :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be, and he is hereby authorized to receive from the internal improvement fund the sum of thirty thousand dollars, and deposit the same in the Bank of Michigan, to the credit of the general fund.

Mr. Bacon moved to amend, by inserting " eighty," instead of " thirty," which amendment was accepted.

Mr. Chase moved to lay the resolution on the table ; lost.

And the resolution was then passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 10, 1889. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives, the " Bill for the further distribution of the Revised Code, and for other purposes," and respectfully inform you that the Senate refuse to concur in the amendments made thereto by the House.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And, on motion of Mr. Ormsby,

The bill mentioned in the message was laid on the table.

The " Bill for the regulation of internal improvements," being under consideration,

Mr. Ormsby moved to amend the 22d section, by striking out

all after the word "engineer," in the 11th line, and inserting, "the whole amount of damages shall be so paid, and the same shall be deducted from the pay of such engineer; provided so much is due to such engineer by the State, and if not, it shall be the duty of the acting Commissioner to prosecute and collect the amount of such damages from such engineer in the name and behalf of the State;" adopted.

Mr. Shurts moved to amend by striking out in the 26th section, the words "by the governor, by and with the advice and consent of both houses of the Legislature," and insert "Commissioners of internal improvement," which was lost.

Mr. Dort moved to insert the words "wanted or," after "materials," which was adopted.

Mr. Finney moved to insert in 1st and 2d lines of section 26, the words "annually," and "joint convention;" adopted.

Mr. Bacon moved to strike out "both branches of the Legislature," and insert "by and with the advice and consent of the Senate," in 1st and 2d lines of section 26; adopted.

Mr. Bacon also moved to strike out in the 8th line of the same section, "over or through which it may be necessary to construct," and insert in lieu thereof, the words "for any damage occasioned by the construction of;" adopted.

Also, to insert in line 14, after "materials," the words "or for damage done the same;" adopted.

Mr. Patterson moved to strike out the last line of section 14, being the words "or other funds equally as good and current;" adopted.

Mr. Bacon moved to strike out "on the loans made by the State," in the 3d line of section 14.

Mr. Adam moved to insert in lieu thereof the words "as Commissioners," which amendment did not prevail.

Mr. Finney moved to strike out the word "acting," wherever it occurs in the bill; adopted.

Mr. Wixom offered the following, to come in at the end of section 22:

"The provisions of this section shall extend to all damages sustained by any individual on the central railroad;" adopted.

Mr. A. Allen moved to reinstate in section 10, line 7, all after

the word "one," which had been stricken out in committee of the whole, and the motion prevailed.

Mr. Dort moved to strike out in section 22, in line 9, the words "one-half of such ascertained," and inserting therein "three-fourths."

Mr. Bacon moved to strike out the entire section; lost.

The question being on Mr. Dort's amendment, the same was lost, by the following vote:

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Beaufait, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Chase, | Mr. Lowry, | Mr. Patterson, |
| Mr. Clark, | Mr. Little, | Mr. Saunders, |
| Mr. Dort, | Mr. Mack, | Mr. Seeley, |
| Mr. Durocher, | Mr. Meacham, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |

18

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Adam, | Mr. Decker, | Mr. Newton, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Axford, | Mr. Grovier, | Mr. Shurts, |
| Mr. Bacon, | Mr. Howland, | Mr. Speaker, |
| Mr. Brown, | Mr. Jennings, | Mr. Stout, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Davis, | Mr. McKee, | |

23

Mr. Eaton moved to re-consider the vote striking out section 22, which motion prevailed, and the question again being on striking out the same, it was lost, as follows:

YEAS.

| | | |
|--------------|--------------|--------------|
| Mr. Bacon, | Mr. Lowry, | Mr. Seeley, |
| Mr. Davis, | Mr. Meacham, | Mr. Sheldon, |
| Mr. Eaton, | Mr. McKee, | Mr. Speaker, |
| Mr. Howland, | Mr. Newton, | Mr. Stout, |
| Mr. Hooker, | Mr. Pierce, | |

14

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Adam, | Mr. Dort, | Mr. Mack, |
| Mr. A. Allen, | Mr. Durocher, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Finney, | Mr. Patterson, |

| | | |
|---------------|----------------|---------------|
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Jennings, | Mr. Shurts, |
| Mr. Clark, | Mr. King, | Mr. Tackels, |
| Mr. Copeland, | Mr. Little, | Mr. Wixom, |
| Mr. Decker, | Mr. Livermore, | 26 |

Mr. Bacon then moved to strike out after the word "same," in the 8th line, to the word "therefor," in the 10th line of the section, which was adopted.

Mr. Finney moved to restore the 5th, 6th and 7th lines, in section 13, struck out in committee of the whole, being in the following words :

"And also to make advances to contractors, not exceeding twenty-five per cent on the amount of work contracted for, and in no case to exceed two thousand dollars."

Mr. Wixom moved a re-consideration of the vote adopting his amendment to section 22, which prevailed, and the same was withdrawn.

On motion of Mr. Bacon,

The word "unavoidably" was struck out of 22d section.

Mr. Ormsby moved to amend his amendment to the 22d section, to read after the word "damages," "so sustained," and after the word "paid," "to such individual by the Commissioners," which prevailed.

Mr. Adam offered the following, to come in at the end of section 9 :

"And every person violating the provisions of this section shall be deemed to have vacated his office, and shall be liable to pay a fine not less than five hundred nor more than twenty thousand dollars;" adopted.

Mr. A. Allen moved to strike out the words "other salaried officers," in the 1st line of section 9 ; lost.

On motion of Mr. Lowry, the bill was laid upon the table.

Mr. Finney, pursuant to notice, introduced a "Bill to amend an act entitled 'an act to incorporate the Grand Rapids bridge company,'" referred to the committee on banks and incorporations.

The following message was received from the Governor, by his secretary, Mr. Porter :

EXECUTIVE DEPARTMENT, }
April 10, 1839. }

To the House of Representatives.

I have this day approved and filed in the office of the Secretary of State,

"An act to abolish imprisonment for debt, and to punish fraudulent debtors."

S. T. MASON.

On motion of Mr. Adam,

The "Bill for the assessment and collection of taxes for 1838," was laid upon the table until to-morrow.

On motion of Mr. Chapin,

The House went into committee of the whole, on the "Bill to incorporate the Portage turnpike and bridge company," Mr. Pierce in the chair.

After spending some time thereon, the committee rose, reported the bill back to the House, with sundry amendments, when

Mr. Chapin moved to postpone the bill indefinitely, and the motion prevailed.

The "Bill to repeal an act appointing a State Printer," &c., being under consideration, and the question being on the substitute offered by Mr. Sheldon,

Mr. Adam proposed an amendment to the amendment of Mr. Sheldon, when,

On motion of Mr. Chapin,

The bill and amendments were laid upon the table, and the amendments ordered to be printed.

On motion of Mr. Pierce,

The committee of the whole were discharged, and the House took up the "Bill to incorporate the Dexter branch canal company."

Mr. Pierce moved to fill the blank in section 5, with "September next," and the blank in section 6, 3d line, with "six years," which was agreed to.

On motion of Mr. Ormsby,

The rule was suspended, and the bill was read a third time.

Mr. Wixom moved to lay the bill on the table ; lost.

On the passage of the bill, the vote stood as follows :

YEAS.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Acker, | Mr. Finney, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, | |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, | |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, | |
| Mr. Decker, | Mr. Meacham, | Mr. Stout, | |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, | |
| Mr. Eaton, | Mr. Near, | Mr. Tucker, | 33 |

NAYS.

| | | | |
|---------------|----------------|---------------|---|
| Mr. A. Allen, | Mr. Gibbs, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Grovier, | Mr. Wixom, | |
| Mr. Durocher, | Mr. Patterson, | | 8 |

On motion of Mr. Finney,

The House adjourned.

THURSDAY, APRIL 11.

The House met pursuant to adjournment.

On calling the roll, Messrs. Goodwin, Hammond and Mead, were absent.

The journal of yesterday was read and approved.

Prayer by the Rev. Mr. Chaplin.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled, "An act to amend the Revised Statutes in relation to taverns and other licensed houses."

Mr. Gibbs, from the committee on the judiciary, reported without amendment, a "Bill to authorize the administrators of the estate of James Clouthier to convey real estate." Placed upon the general order.

On motion of Mr. Levake,

The House took up the resolution in relation to advancing money to contractors on the St. Mary's canal, when

Mr. Ormsby moved to lay it on the table, and the motion did not prevail.

The question then being upon the resolution, it was adopted, by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Decker, | Mr. Levake, | Mr. Smith, |
| Mr. Dort, | Mr. Little, | Mr. Speaker, |
| Mr. Durocher, | Mr. Livermore, | Mr. Wixom, |
| Mr. Eaton, | Mr. Mack, | |

26

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Patterson, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Meacham, | Mr. Stout, |

| | | | |
|---------------|-------------|--------------|----|
| Mr. Brown, | Mr. McKee, | Mr. Tackels, | |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, | |
| Mr. Davis, | Mr. Newton, | | 23 |

Mr. A. Allen laid the following on the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be authorized and required to relocate the Clinton and Kalamazoo canal between the villages of Mt. Clemens and Frederick, if by so relocating, the interest of the State shall be as well subserved and there shall be a saving of at least twenty thousand dollars.

Mr. Durecher offered the following resolution, which lays on the table :

Resolved, by the Senate and House of Representatives, That it shall be competent for the board of internal improvement, in the event that the harbor and ship canal at Monroe are not accessible to vessels navigating the lakes, that the said board be and they are hereby authorized to receive the cession or grant for the use of the State, of the railroad and its materials, from Brest harbor to the city of Monroe.

On motion of Mr. Bacon,

Resolved, That the journal of the select committee on the subject of the five million dollar loan, together with the documents, and the testimony taken before that committee, be placed in the office of the Secretary of State.

On motion of Mr. McKee,

Two hundred and fifty copies of the report of the survey of the northern branch of the Clinton and Kalamazoo canal were ordered printed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, April 6, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the bill " to amend an act entitled ' An act to incorporate the trustees of the Spring Arbor seminary,' passed March 23, 1836," and respectfully inform you that the same has passed the Senate.

I am also instructed to transmit to the House the following bills :

" A bill to incorporate St. Philip's college.

" An act to provide for the filing of the maps and profiles of the several canals and railroads in the State in the office of the Secretary of State."

" A bill to provide the circuit court of each county with a seal," and inform you that the same have severally passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The "Bill to incorporate St. Philip's college," was referred to the committee on education.

The " Act to provide for filing the maps and profiles of the several canals and railroads in the State in the office of the Secretary of State," was referred to the committee on the library."

And the " Bill to provide the circuit court of each county with a seal," was referred to the committee on the judiciary.

On motion of Mr. Finney, the House took up the " Bill to regulate internal improvements."

Mr. Adam moved to amend the 14th section by striking out the words, " on the loans made by the state," and inserting " for that purpose as commissioners ;" adopted.

Mr. Pierce moved to amend the 26th section, by striking out after the word " whose" in line 4, and inserting the following :

" The board of commissioners shall appoint three reputable freeholders, who shall not be in any wise interested, in each county, when damages are or shall be claimed by reason of the construction of any of the State railroads or canals."

Which amendment was lost, by the following vote :

YEAS.

Mr. Acker,
Mr. L. Allen,
Mr. Brown,
Mr. Clark,
Mr. Davis,
Mr. Eaton,
Mr. Howland,

Mr. Hooker,
Mr. Jennings,
Mr. Lowry,
Mr. Meacham,
Mr. Near,
Mr. Newton,

Mr. Ormsby,
Mr. Pierce,
Mr. Renwick,
Mr. Sheldon,
Mr. Speaker,
Mr. Stout,

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Decker, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Livermore, | Mr. Smith, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |

24

Mr. Adam moved to amend the 29th line, section 26, by inserting after "employed," "or three dollars for every twenty miles travel."

Mr. Finney moved to amend the above, by striking out "three" and inserting "four," and the amendment was rejected by the following vote:

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Beaufait, | Mr. King, | Mr. Shurts, |
| Mr. Finney, | Mr. McKee, | Mr. Speaker, |
| Mr. Gibbs, | Mr. Patterson, | Mr. Tackels, |
| Mr. Grovier, | Mr. Saunders, | |

11

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Durocher, | Mr. Near, |
| Mr. Adam, | Mr. Eaton, | Mr. Newton, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Brown, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chase, | Mr. Lowry, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Livermore, | Mr. Smith, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Decker, | Mr. Meacham, | Mr. Wixom, |
| Mr. Dort, | | |

34

The question being on the amendment offered by Mr. Adam,

Mr. Ormsby moved to amend by inserting "thirty" in the place of "twenty," and the amendment then read as follows: "or three dollars for every thirty miles travel, in lieu of his per diem allowance," and the same was adopted by the following vote:

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Brown, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Shurts, |
| Mr. Chase, | Mr. Lowry, | Mr. Speaker, |
| Mr. Clark, | Mr. Little, | Mr. Stout, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Davis, | Mr. Mack, | Mr. Wixom, |
| Mr. Dort, | Mr. Near, | |

32

NAYS.

| | | |
|---------------|----------------|-------------|
| Mr. A. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Axford, | Mr. Levake, | Mr. Pond, |
| Mr. Decker, | Mr. Meacham, | Mr. Seeley, |
| Mr. Finney, | Mr. McKee, | Mr. Smith, |
| Mr. Howland, | Mr. Patterson, | |

14

Mr. Mack offered the following amendment to section 22, to come in at the end of the section :

" And for damages done before the passage of this act, the said Commissioners are hereby authorized and required to ascertain the amount, and pay for the same at their fair cash value, out of any money belonging to the internal improvement fund ;" which was agreed to.

Mr. Ormsby offered the following amendment to the 26th section, " shall appoint citizens."

Mr. Lowry moved to amend section 26 by adding, " provided that the committee shall not be called upon to appraise damages on the St. Mary's canal ;" adopted.

Mr. Pond moved to strike out in section 12, the words " the hands of," and insert "to ;" adopted.

The bill was then ordered to be engrossed.

The " Bill for the assessment and collection of taxes for 1838," being under consideration, on motion of Mr. Gibbs, the same was postponed until afternoon.

Mr. Little moved that the House take up bill No. 60, " to in-

corporate the Genesee and Saginaw navigation company," and the same being under consideration,

On motion of Mr. Adam, section 4 was stricken out.

Mr. Lowry moved to strike out the 5th section, which was lost.

Mr. Smith moved to strike out the words in the 8th line as follows, "and such other purpose as they may think proper;" carried.

Mr. Pierce moved to strike out in section 13, "ascertained and tendered," and insert "agreed upon and paid;" adopted.

Mr. Livermore offered the following as an additional section:

"The State shall have the right at any time to purchase and hold the said canal for the use of the State, at a price not exceeding the original cost of the same or work done, exclusive of the repair thereof, and 10 per cent thereon, of which cost an accurate account shall be kept, and exhibited to the Legislature whenever required, duly attested;" and the same was adopted.

Mr. Lowry moved to strike out the words "of said river and;" in the 5th section and 2d line, and insert the words "created by said," in lieu thereof, and the yeas and nays being demanded, the same was lost by the following vote:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Ormsby, |
| Mr. Adam, | Mr. Grovier, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Axford, | Mr. Lowry, | Mr. Saunders, |
| Mr. Davis, | Mr. Meacham, | |

17

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. King, | Mr. Seeley, |
| Mr. Brown, | Mr. Little, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Livermore, | Mr. Shurts, |
| Mr. Chase, | Mr. Mack, | Mr. Smith, |
| Mr. Clark, | Mr. McKee, | Mr. Speaker, |
| Mr. Copeland, | Mr. Near, | Mr. Tackels, |
| Mr. Decker, | Mr. Newton, | Mr. Wixom, |
| Mr. Eaton, | | |

Mr. Pond moved to insert after the word "canal," "created in constructing the works herein authorized;" adopted. "

On motion of Mr. Mack, the following was adopted as a proviso:

"Provided, that nothing in this act shall be so construed, as to give to said company banking powers or privileges;" adopted.

On motion of Mr. Ormsby, the words "enjoined to," in the 16th section, were struck out, and "may at the option of," inserted.

On motion of Mr. Renwick, the word "to" was stricken out and "may" inserted.

On motion of Mr. Mack, the word "framed" was stricken out, and the word "passed" inserted.

Mr. Renwick moved to insert the word "repeal" in section 21, line 1, after the word "amend;" adopted.

The bill was then read a third time and passed, by the following vote;

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Jennings, | Mr. Saunders, |
| Mr. Beaufait, | Mr. King, | Mr. Seeley, |
| Mr. Brown, | Mr. Little, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Livermore, | Mr. Shurts, |
| Mr. Chase, | Mr. Mack, | Mr. Speaker, |
| Mr. Clark, | Mr. McKee, | Mr. Stowt, |
| Mr. Copeland, | Mr. Near, | Mr. Tackles, |
| Mr. Decker, | Mr. Newton, | Mr. Wixom, |
| Mr. Eaton, | | |

31

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Howland, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Smith, |
| Mr. Davis, | Mr. Meacham, | |

11

On motion of Mr. Copeland,

The House took up the "Bill to legalize the official acts of John Dewey, justice of the peace," and said bill was, on his motion, read a third time and passed.

On motion of Mr. Fitzgerald,

The House took up bill 56, "Relative to the erection of bridges in certain cases," and the same was read a third time and passed.

On motion of Mr. Shurts,

The House went into committee of the whole on the "Bill to authorize the Commissioners of internal improvement to alter the location of the southern railroad between Centerville and Niles," and, after spending some time thereon, the committee reported the bill back to the House without amendment.

Mr. Meacham moved an indefinite postponement of the bill.

Mr. Brown moved to adjourn, and the motion was lost.

The question then being on the indefinite postponement, it was decided by the following vote :

YEAS.

| | | |
|-------------|--------------|------------|
| Mr. Chapin, | Mr. King, | Mr. Near, |
| Mr. Davis, | Mr. Meacham, | Mr. Wixom, |
| Mr. Hooker, | | |

7

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Ormsby, |
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Howland, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Levake, | Mr. Sheldon, |
| Mr. Brown, | Mr. Little, | Mr. Shurts, |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, |
| Mr. Decker, | Mr. McKee, | Mr. Stout, |
| Mr. Dort, | Mr. Newton, | Mr. Tackels, |

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On motion of Mr. Ormsby,

The House adjourned.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The House met pursuant to adjournment, and on calling the roll, there were absent Messrs. Grovier, Goodwin and Mead.

The Speaker announced the following message from the Governor, by his secretary, S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 11, 1839. }

To the Speaker of the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"An act to amend the Revised Statutes in relation to taverns and other licensed houses."

"An act to incorporate the Marshall female seminary."

"An act to incorporate the Grand River Theological seminary ;" and,

"An act to amend chapter 1, title 10, part 1 of the Revised Statutes, of religious societies."

S. T. MASON.

Mr. Mack presented the claim of F. H. Harris ; referred to the committee on claims.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 11, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives, the " Bill to provide for the more effectual defence of the State against foreign invasion," which has passed the Senate with amendment.

Also, the " Joint resolution relative to payment of a certain check due Thomas Beals," which has also passed the Senate with amendment.

I am also instructed to transmit to the House of Representatives, the " Bill to provide for the assessment and expenditure of highway taxes in certain cases," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

I am also instructed to return the "Bill making appropriations to John S. Bagg," and respectfully inform you that the Senate do refuse to concur with the amendment made therein by the House, and that Messrs. Harrington, Wing and Woodbridge, have been appointed a committee of conference thereon.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the House concurred in the amendment made to the "Bill to provide for the more effectual defence of the State against foreign invasion," and the bill was ordered enrolled.

Also, in the amendment to the joint resolution relative to Thomas Beals.

And the "Bill to provide for the assessment and expenditure of highway taxes in certain cases," was referred to the committee on roads and bridges.

Mr. Adam, from the committee on education, reported back with amendment, the "Act to incorporate St. Philips' college," which was referred to committee of the whole, and on motion of Mr. Adam, made the special order of the day for Saturday next.

Mr. Tucker, from the select committee, to whom was referred the duty of investigating the affairs of the board of internal improvement, made a report thereon; and on motion of Mr. Wixom, the report was laid upon the table.

The Chair appointed as a committee of conference on the bill making appropriations to John S. Bagg, Messrs. Adam, Livermore and Tucker.

The bill authorizing the Commissioners of internal improvement to alter the location of the southern railroad, being the unfinished business of this morning, Mr. Chapin moved to lay the same on the table, which was lost.

Mr. Meacham then moved to strike out all after the enacting clause, and the yeas and nays being demanded, the same was lost by the following vote :

YEAS.

Mr. Chapin,
Mr. Clark,
Mr. Davis,

Mr. King,
Mr. Lowry,

Mr. Meacham,
Mr. Wixom,

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Saunders, |
| Mr. Brown, | Mr. Little, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Speaker, |
| Mr. Decker, | Mr. McKee, | Mr. Stout, |
| Mr. Dort, | Mr. Near, | Mr. Tackels, |
| Mr. Durocher, | Mr. Newton, | Mr. Tucker, |
| Mr. Eaton, | Mr. Patterson, | |

32

Mr. Chapin then moved to lay the bill on the table, and make it the special order for Saturday; lost.

Mr. Copeland then moved that it be made the special order for to-morrow; which was agreed to.

On motion of Mr. Adam, the committee of the whole were discharged, and the House took up the "Bill relative to certain State annual reports."

On motion of Mr. Adam, the first blank was filled with "500," the second with "200," and the third blank with "300."

On motion of Mr. Adam, the first blank in section 2 was filled with "10," the second with "200," and the third with "300."

On motion of Mr. Adam, the first blank in section 3, was filled with "400," and the second blank with "600."

On motion of Mr. Adam, the first blank in section 4 was filled with "7," the second with "100," and the third blank with "150."

The bill was read a third time and passed.

On motion of Mr. McKee,

The House took up the "Bill to vacate a part of the village of Flint," and it was read a third time and passed.

On motion, the House went into committee of the whole, Mr. Acker in the chair, on the "Bill to provide for the draining of swamps, marshes, and other low lands;" after spending some time thereon, the committee rose, reported the bill back to the House without amendment, and the bill was ordered to a third reading.

On motion of Mr. Adam,

The House resolved itself into committee of the whole on the "Bill authorizing a subscription on behalf of the State, for 100 additional copies of the Gazetteer of Michigan, and for other purposes," Mr. Finney in the chair; after spending some time thereon, the committee rose, reported the bill back to the House with an amendment, in which the House concurred.

On motion of Mr. Wixom, the enacting clause of the bill was referred to the committee on education.

Mr. McKee gave notice, that he would on to-morrow ask leave to introduce a "Bill to prescribe the powers and duties of justices of the peace in civil proceedings."

On motion of Mr. Dort,

The House took up the "Bill for the assessment and collection of taxes for the year 1838," and the amendments thereto proposed by Mr. McKee.

Mr. Finney moved to lay the bill on the table until to-morrow; lost.

The yeas and nays being ordered, the amendments were lost, by the following vote:

YEAS.

| | | | |
|-------------|-------------|---------------|----|
| Mr. Chase, | Mr. Levake, | Mr. Saunders, | |
| Mr. Clark, | Mr. Little, | Mr. Speaker, | |
| Mr. Finney, | Mr. McKee, | Mr. Stout, | |
| Mr. King, | Mr. Near, | Mr. Wixom, | 19 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Adam, | Mr. Dort, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Durocher, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Eaton, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Howland, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Copeland, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Davis, | Mr. Lowry, | | 20 |

The question being on the adoption of the amendments made to the bill by the Senate, the same was agreed to.

The Speaker announced a communication from E. H. Lothrop, president of the board of internal improvement, which, on motion of Mr. Adam, was laid on the table.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 11, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit to the House of Representatives a joint resolution entitled " A joint resolution to authorize the Auditor General to draw a certain amount," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the resolution lies upon the table.

On motion of Mr. Finney,

The House took up the " Bill to provide for the location of the seat of justice of the county of Ottawa ;" and the bill was ordered to a third reading.

Mr. Adam presented a claim of R. W. Ingalls ; referred to the committee on claims.

Mr. Durocher presented a claim of J. J. Cicott ; referred to the committee on claims.

Mr. Bacon, from the committee on the library, reported back without amendment, the " Act to provide for the filing of the maps and profiles of the canals and railroads in the State in the office of the Secretary of State ;" placed upon the general order.

On motion of Mr. Acker,

The House adjourned.

FRIDAY, APRIL 12.

The House met pursuant to adjournment, and on calling the roll, Mr. Mead was absent.

Prayer by the Rev. Mr. Chaplin.

The journal of yesterday was read and approved.

REPORTS.

Mr. Fitzgerald, from the committee on banks and incorporations, asked and obtained the discharge.

Mr. Fitzgerald, from the committee on banks and incorporations, to whom was referred the petition of Thomas J. Glenn and other citizens of Cass county, for a charter to construct a railroad from Edwardsburg to the State line, in a direction to Elkhart, in the State of Indiana; also, the petition of Timothy Harris and others, for a charter to construct a railroad from New Buffalo to the State line, in a direction to Lakeport, report:

That they have no satisfactory evidence that the notice required by law of their intended application to the Legislature, has been given by the petitioners in either of the above mentioned cases. Your committee are satisfied, that the improvements contemplated by both petitions are highly deserving of the favorable consideration of the Legislature, but for want of legal notice, and the session being near its termination, they ask to be discharged from the further consideration of the subject.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to amend an act entitled 'An act to incorporate the trustees of the Spring Arbor seminary,' passed March 23, 1835."

"An act to provide for the more effectual defence of the State against foreign invasion."

And "A joint resolution relative to paying Thomas Beals, or his assigns, a certain sum of money."

Mr. Renwick, from the committee on roads and bridges, reported several bills for the establishment of roads and bridges, which were placed on the general order.

Mr. Fitzgerald, from the committee on banks and incorporations, reported back to the House the "Bill to amend an act en-

titled 'An act to incorporate the Grand Rapids bridge company,' which was referred to the committee of the whole.

Mr. A. Allen, from the select committee to investigate the affairs of the State prison, made a report, accompanied with a bill, and,

On motion of Mr. Acker,

The bill was made the special order for this day, and the report was ordered to be printed.

Mr. Chapin, pursuant to leave, introduced a bill to provide for the recording of town plats, and for vacating the same in certain cases; referred to the committee on the judiciary.

Mr. Levaque laid the following resolution on the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor be authorized to appoint three disinterested persons, citizens of the county of Chippewa, to appraise damages caused by the construction of the Ste. Marie's canal, who shall report the same to the Commissioners of internal improvement, and said Commissioners shall carefully examine the same, and make such alterations in said appraisals as they shall deem just and right; and they shall cause the sum or sums so allowed to be paid out of any money belonging to the internal improvement fund not otherwise appropriated.

On motion of Mr. Adam,

The House took up the resolution, from the Senate, "authorizing the Auditor General to draw a certain amount," and on his motion, the same was laid upon the table.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER.
Detroit, April 11, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives, the bill (supplementary) "to establish the State bank of Michigan," and respectfully inform you that the same has passed the Senate, with amendments thereto attached.

Also, the bill relative to trunks, baggage, and other unclaimed personal property, which has passed the Senate.

I am also instructed to transmit a "Bill to change the name of

the township of Cady," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The "Bill to change the name of the town of Cady," was referred to the committee on towns and counties.

The bill supplementary to an act establishing a State bank being under consideration, the House refused to concur in the amendments made thereto by the Senate, and Messrs. Fitzgerald, Bacon and Hammond were appointed a committee of conference.

The "Bill to provide for the draining of swamps, marshes, and other low lands," was read a third time and passed.

And the "Bill to provide for the location of the seat of justice of the county of Ottawa," was read a third time and passed.

Mr. A. Allen called up the joint resolution relative to the location of a portion of the Clinton and Kalamazoo canal, laid up on the table yesterday; and, on his motion, the same was laid on the table.

Mr. Ormsby, from the committee on towns and counties, reported back without amendment the "Bill to change the name of the town of Cady," and the same was read a third time and passed.

On motion of Mr. Hammond,

The House took up the "Bill to repeal the charter of the Bank of Ypsilanti," and on his motion, the same was read a third time and passed by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Adam, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Hammond, | Mr. Pond, |
| Mr. Beaufait, | Mr. Howland, | Mr. Renwick, |
| Mr. Brown, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chase, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |

| | | | |
|---------------|----------------|--------------|----|
| Mr. Davis, | Mr. Little, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Stout, | |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Meacham, | Mr. Wixom, | |
| Mr. Eaton, | Mr. McKee, | | 44 |

NAYS.

0

Mr. Renwick, from the committee on roads and bridges, reported back without amendment the "Bill to provide for the assessment and expenditure of highway taxes in certain cases," and the same was committed to committee of the whole.

The special order of the day, being the "Bill to authorize the Commissioners of internal improvement to alter the location of the southern railroad," was taken up, and the question being on ordering the bill to a third reading, it was decided as follows :

YEAS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Acker, | Mr. Gibbs, | Mr. Near, | |
| Mr. Adam, | Mr. Goodwin, | Mr. Newton, | |
| Mr. A. Allen, | Mr. Grovier, | Mr. Patterson, | |
| Mr. L. Allen, | Mr. Hammond, | Mr. Pierce, | |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Levake, | Mr. Shurts, | |
| Mr. Decker, | Mr. Little, | Mr. Speaker, | |
| Mr. Dort, | Mr. Mack, | Mr. Stout, | |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, | |
| Mr. Eaton, | | | 34 |

NAYS.

| | | | |
|-------------|--------------|-------------|----|
| Mr. Chapin, | Mr. King, | Mr. Pond, | |
| Mr. Clark, | Mr. Lowry, | Mr. Tucker, | |
| Mr. Davis, | Mr. Meacham, | Mr. Wixom, | |
| Mr. Finney, | Mr. Ormsby, | | 11 |

On motion of Mr. Mack,

The bill was then read a third time.

Mr. Chapin proposed to strike out the words "directed and required," and insert therein the word "authorized," in the first sec-

tion; and the yeas and nays being demanded, the same was lost by the following vote:

YEAS.

| | | |
|--------------|----------------|--------------|
| Mr. Chapin, | Mr. Lowry, | Mr. Pond, |
| Mr. Clark, | Mr. Meacham, | Mr. Seeley, |
| Mr. Davis, | Mr. Near, | Mr. Speaker, |
| Mr. Grovier, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Hooker, | Mr. Patterson, | Mr. Wixom, |
| Mr. King, | | |

16

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Acker, | Mr. Dort, | Mr. McKee, |
| Mr. Adam, | Mr. Durocher, | Mr. Newton, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Axford, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Howland, | Mr. Shurts, |
| Mr. Brown, | Mr. Jennings, | Mr. Smith, |
| Mr. Chase, | Mr. Little, | Mr. Stout, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |

27

Mr. Chapin then moved to add the following, to come in at the end of the first section: "or to confirm the present location, as in their opinion will best promote the interests of the State;" and the same was lost by the following vote:

YEAS.

| | | |
|--------------|--------------|--------------|
| Mr. Chapin, | Mr. Hooker, | Mr. Pond, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Finney, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Grovier, | | |

16

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Patterson, |
| Mr. Adam, | Mr. Gibbs, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Saunders, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Axford, | Mr. Little, | Mr. Shurts, |
| Mr. Beaufait, | Mr. Mack, | Mr. Smith, |

Mr. Brown,
Mr. Decker,
Mr. Dort,

Mr. McKee,
Mr. Newton,

Mr. Stout,
Mr. Tackels,

25

Mr. Pond moved to amend by inserting after the word "Cam," in line six, "at or near Cassopolis;" adopted.

Also, to strike out the words, "as reported by Erastus Hurd, chief Engineer;" adopted.

Mr. Ormsby moved to insert at the end of the section the following proviso, to wit: "provided the expense shall not exceed the amount required to construct the road on the present located route;" which amendment was lost by the following vote:

YEAS.

Mr. Chapin,
Mr. Clark,
Mr. Davis,
Mr. Hooker,
Mr. King,

Mr. Lowry,
Mr. Meacham,
Mr. Ormsby,
Mr. Seeley,

Mr. Smith,
Mr. Speaker,
Mr. Tackels,
Mr. Wixom,

18

NAYS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. L. Allen,
Mr. Bacon,
Mr. Beaufait,
Mr. Brown,
Mr. Chase,
Mr. Decker,
Mr. Dort,
Mr. Durocher,

Mr. Eaton,
Mr. Finney,
Mr. Goodwin,
Mr. Grovier,
Mr. Howland,
Mr. Jennings,
Mr. Levake,
Mr. Little,
Mr. Livermore,
Mr. McKee,

Mr. Near,
Mr. Newton,
Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Saunders,
Mr. Sheldon,
Mr. Shurts,
Mr. Stout,
Mr. Tucker,

31

Mr. Chapin then moved to amend the above by adding the words,

"Provided the amount of constructing this route shall not exceed the expense of constructing the southern route fifty thousand dollars."

Lost by the following vote:

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Renwick, | |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Chapin, | Mr. King, | Mr. Seeley, | |
| Mr. Clark, | Mr. Lowry, | Mr. Smith, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Davis, | Mr. Ormsby, | Mr. Tucker, | |
| Mr. Finney, | Mr. Patterson, | Mr. Wixom, | 21 |

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. McKee, | |
| Mr. Adam, | Mr. Eaton, | Mr. Near, | |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Pond, | |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Little, | Mr. Shurts, | |
| Mr. Decker, | Mr. Livermore, | Mr. Stout, | |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, | 27 |

Mr. Ormsby proposed to amend by adding "\$75,000."

Mr. Pond moved the previous question.

Mr. Meacham moved a call of the House, and the yeas and nays being called for, the call was seconded, as follows :

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pierce, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Davis, | Mr. Levake, | Mr. Smith, | |
| Mr. Dort, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Finney, | Mr. Ormsby, | Mr. Wixom, | 27 |

NAYS.

| | | |
|------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. Adam, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Patterson, |
| Mr. Brown, | Mr. King, | Mr. Pond, |

| | | | |
|---------------|-------------|--------------|----|
| Mr. Chase, | Mr. Little, | Mr. Shurts, | |
| Mr. Decker, | Mr. Mack, | Mr. Stout, | |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, | 21 |

The roll was then called, and Messrs. Copeland, Hammond and Mead were absent.

On motion of Mr. Acker,

Further proceedings in the call were dispensed with.

The question then being, shall the main question now be put, it was decided as follows :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Brown, | Mr. Levake, | Mr. Shurts, |
| Mr. Chase, | Mr. Little, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Stout, |
| Mr. Dort, | Mr. McKee, | Mr. Tackels, |
| Mr. Durocher, | | |

31

NAYS.

| | | |
|-----------------|----------------|--------------|
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Chapin, | Mr. King, | Mr. Renwick, |
| Mr. Clark, | Mr. Lowry, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, |
| Mr. Fitzgerald, | Mr. Meacham, | Mr. Tucker, |
| Mr. Goodwin, | Mr. Ormsby, | Mr. Wixom, |

18

The bill was then passed by the following vote :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Gibbs, | Mr. Newton, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Hooker, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Seeley, |

| | | |
|---------------|----------------|--------------|
| Mr. Brown, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Chase, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, |
| Mr. Eaton, | | |

40

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Chapin, | Mr. King, | Mr. Renwick, |
| Mr. Clark, | Mr. Meacham, | Mr. Tucker, |
| Mr. Davis, | Mr. Ormsby, | Mr. Wixom, |

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Mr. Fitzgerald being excused, and Messrs. Hammond and Mead absent.

The following message was received from the Senate, by their secretary, Mr. At Lee.

SENATE CHAMBER, }
April 12, 1890. }

To the Speaker of the House of Representatives :

Sir : I am instructed to return to the House of Representatives, the "Bill to provide for the voluntary dissolution of corporations," which has passed the Senate, with amendments thereon attached.

Also, the "Bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego," &c., which has also passed the Senate, with amendments thereto attached.

I am also instructed to transmit to the House, the bill to amend an act entitled an act to amend part 3, title 1, chapter 3 of the Revised Statutes, &c., which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of Senate.

And the House having the "Bill to provide for the voluntary dissolution of corporations," &c., the amendments of the Senate were concurred in, and the bill was passed.

And the "Bill to amend an act entitled 'An act to amend part third, title first, chapter three of the Revised Statutes, and for other purposes,' approved February 8," was referred to the judiciary committee.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER, }
Detroit, April 12, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill for the relief of certain settlers on university and State lands," and inform you that the same has passed the Senate, with amendments, in which the concurrence of the House is respectfully asked.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The House concurred in all the amendments made to the bill for the relief of certain settlers on the university lands, and the bill was passed by the following vote :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Seeley, |
| Mr. Bacon, | Mr. Gibbs, | Mr. King, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Smith, |
| Mr. Chapin, | Mr. Grovier, | Mr. Speaker, |
| Mr. Chase, | Mr. Mack, | Mr. Stout, |
| Mr. Decker, | Mr. McKee, | Mr. Tackels, |
| Mr. Dort, | Mr. Pond, | Mr. Tucker, |
| Mr. Eaton, | | |

26

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Meacham, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Near, |
| Mr. Clark, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Copeland, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Livermore, | Mr. Wixom, |

15

And the " Bill to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego," was passed.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER, }
Detroit, April 12, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the "Bill authorizing Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain lands," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the bill was referred to the committee on the judiciary.

Also the following :

SENATE CHAMBER. }
Detroit, April 12, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the bill to provide for the assessment and collection of taxes for 1838, and respectfully inform you that the Senate have non-concurred in the amendments to the amendments made by the House, and have appointed Messrs. Bradford, Woodbridge and Gordon a committee of conference thereon.

I am also instructed to return the bill supplementary to the act entitled an act to establish the State bank of Michigan, and respectfully inform you that the report of the committee of conference thereon accompanying the same has been concurred in by the Senate.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And on the "Bill to provide for the assessment and collection of taxes for 1838," a committee of conference was appointed, consisting of Messrs. Pond, Goodwin and McKee.

And the "Bill supplementary to an act entitled an act to establish a State bank," as amended by the Senate, being under consideration, the House concurred in several of the amendments reported by the committee of conference, and the question being on the amendment to strike out the 4th section, it was lost by the following vote :

YEAS.

| | | | |
|-----------------|----------------|----------------|----|
| Mr. Bacon, | Mr. Hooker, | Mr. Patterson, | |
| Mr. Brown, | Mr. King, | Mr. Saunders, | |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, | |
| Mr. Dort, | Mr. Livermore, | Mr. Smith, | |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Stout, | |
| Mr. Grovier, | Mr. Newton, | Mr. Tackels, | 18 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Eaton, | Mr. Near, | |
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Pond, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Lowry, | Mr. Shurts, | |
| Mr. Clark, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Davis, | Mr. McKee, | Mr. Wixom, | |
| Mr. Decker, | | | 25 |

On motion of Mr. Little,

A second committee of conference was appointed, consisting of Messrs. Little, Acker and Wixom.

On motion of Mr. Dort,

The House adjourned.

AFTERNOON SESSION.

Half-past two o'clock, P. M.

The roll being called, there were absent Messrs. Decker, Goodwin and Levake.

The following message was received from the Governor by his secretary, Mr. Porter:

EXECUTIVE DEPARTMENT, }
April 12, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

"A joint resolution to pay Thomas Beals or his assigns a certain sum of money."

"An act to amend an act entitled 'An act to incorporate the trustees of the Spring Arbor seminary,' passed March 23, 1835."

"An act to establish certain township lines in the county of St. Clair, and for other purposes.

"An act to provide for the more effectual defence of the State against foreign invasion."

S. T. MASON.

A communication was received from the the Librarian, which was laid upon the table.

Mr. Eaton asked and obtained leave to introduce a "Bill to legalize certain official acts of county clerks and their deputies, and of justices of the peace, and to authorize them to administer oaths, &c." and on his motion the rule was suspended, the bill read a third time and passed.

Mr. Smith laid the following resolution on the table :

A resolution proposing a certain amendment to the Constitution of the State of Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendment be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen and published in pursuance of the provisions of the first section of the thirteenth article. That so much of the fourth section of the tenth article of the Constitution of the State of Michigan as directs that money paid for exemptions from military duty shall be exclusively applied to the support of libraries, and is in these words, viz: "and the money which shall be paid by persons as an equivalent for exemption from military duty," shall be stricken out.

Mr. Mack presented a claim of Blair & Rives for papers ; referred to committee on claims.

Mr. McKee, pursuant to notice, introduced a "Bill to prescribe the powers and duties of justices of the peace in civil proceedings ;" referred to the committee on the judiciary.

Mr. Gibbs, from the judiciary committee, reported back the bill from the Senate "to authorize Isaac E. Crary, executor of Ezra Convis, deceased, to sell certain lands," and the bill was, on motion of Mr. Gibbs, read a third time and passed.

On motion of Mr. Adam,

The House went into committee of the whole on the bill No. 71, entitled "An act to repeal an act appointing a State Printer," and the substitutes therefor, Mr. Gibbs in the chair.

And after spending some time thereon, the committee rose, reported the bill and substitutes back with an amendment, which was concurred in.

Mr. Ormsby moved that the bill and substitutes be referred to the committee on printing, with instructions to fill the blanks in substitute.

And the motion prevailed.

The House then took up the bill to repeal an act entitled an act to appoint States prison Commissioners, when it was referred to the committee on State prison.

The House then, on motion of Mr. Tackels, took up the "Bill to amend an act incorporating the village of Romeo, Macomb county, approved March 9, 1838;" and the same was read a third time and passed.

The House then went into committee of the whole on the "Bill to incorporate the Detroit typographical society," Mr. Chapin in the chair.

And after spending some time thereon, the committee rose, reported the bill back to the House with sundry amendments, which were concurred in, and on motion of Mr. Mack, the rule was suspended, the bill read a third time and passed by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Newton, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Hammond, | Mr. Renwick, |
| Mr. Bacon, | Mr. Howland, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Seeley, |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Shurts, |
| Mr. Chase, | Mr. Little, | Mr. Stout, |
| Mr. Clark, | Mr. Livermore, | Mr. Tackels, |
| Mr. Copeland, | Mr. Mack, | Mr. Tucker, |
| Mr. Davis, | Mr. McKee, | Mr. Wixom, |
| Mr. Dort, | Mr. Near, | |

NAYS.

| | | |
|------------|------------|--------------|
| Mr. Eaton, | Mr. Smith, | Mr. Speaker, |
| Mr. Lowry, | | |

4

On motion of Mr. Wixom,

The House took up the " Bill to authorize the Superintendent of Public Instruction to recover the price of certain university lands in the county of Oakland."

Mr. Wixom moved to strike out after the word "and," in section 2, line 2, to the word "at" in the fourth line; which amendment was agreed to.

Mr. Adam then moved an indefinite postponement of the bill; and the yeas and nays being demanded, the motion prevailed by the following vote :

YEAS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Pierce, | |
| Mr. Adam, | Mr. Jennings, | Mr. Pond, | |
| Mr. L. Allen, | Mr. King, | Mr. Shurts, | |
| Mr. Axford, | Mr. Lowry, | Mr. Smith, | |
| Mr. Bacon, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Brown, | Mr. Newton, | Mr. Stout, | |
| Mr. Copeland, | Mr. Patterson, | Mr. Tackels, | 21 |

NAYS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. Beaufait, | Mr. Grovier, | Mr. Renwick, | |
| Mr. Chase, | Mr. Howland, | Mr. Saunders, | |
| Mr. Clark, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Davis, | Mr. Meacham, | Mr. Sheldon, | |
| Mr. Eaton, | Mr. McKee, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. Near, | Mr. Wixom, | 18 |

Mr. Adam then moved a reconsideration of the vote making the " Bill to incorporate St. Philips' college " the order of the day for Saturday.

The motion prevailed, and the House went into committee of the whole, Mr. Copeland in the chair, on said bill.

After spending some time thereon, the committee rose, reported the bill back to the House with sundry amendments, which the House concurred in.

Mr. Smith moved to insert in the 3d section, the words "and

he or they, before entering upon the duties of the office, shall take and subscribe the constitutional oath," which was lost.

On motion of Mr. Adam,

The bill was read a third time and passed by the following vote :

YEAS.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Adam, | Mr. Grovier, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Hammond, | Mr. Pond, |
| Mr. Bacon, | Mr. Howland, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Dort, | Mr. Lowry, | Mr. Shurts, |
| Mr. Durocher, | Mr. Little, | Mr. Speaker, |
| Mr. Eaton, | Mr. Livermore, | Mr. Stout, |
| Mr. Finney, | Mr. Mack, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Newton, | |

35

NAYS.

| | | | |
|------------|--------------|------------|---|
| Mr. Clark, | Mr. Meacham, | Mr. Smith, | 3 |
|------------|--------------|------------|---|

Mr. Smith asked and obtained leave of absence for Mr. Goodwin, on account of indisposition.

On motion of Mr. Little,

The committee of the whole were discharged, and the House took up the "Bill to amend an act to incorporate the Genesee and Saginaw railroad company."

Mr. Acker moved to lay the bill on the table ; lost.

Mr. Finney offered the following proviso, which was adopted :

" Provided that the aforesaid company shall never make application to dispose of the road to the State."

Mr. Acker moved to strike out all after the enacting clause ; lost.

Mr. Axford moved to strike out " 8 years ;" lost.

The bill was then, on motion of Mr. Little, read a third time, and the question being on its final passage, passed by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. A. Allen, | Mr. Finney, | Mr. Newton, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Hammond, | Mr. Seeley, |
| Mr. Chapin, | Mr. Howland, | Mr. Shurts, |
| Mr. Chase, | Mr. Hooker, | Mr. Smith, |
| Mr. Clark, | Mr. Lowry, | Mr. Stout, |
| Mr. Copeland, | Mr. Little, | Mr. Tackels, |
| Mr. Dort, | Mr. Livermore, | Mr. Tucker, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |
| Mr. Eaton, | | |

28

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. King, | Mr. Pond, |
| Mr. Axford, | Mr. Meacham, | Mr. Renwick, |
| Mr. Davis, | Mr. McKee, | Mr. Sheldon, |
| Mr. Grovier, | Mr. Patterson, | Mr. Speaker, |
| Mr. Jennings, | Mr. Pierce, | |

14

Mr. King, from the committee on enrollment, reported as correctly enrolled.

"An act to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, and for other purposes."

"An act relative to trunks, baggage and other unclaimed personal property," and,

"An act for the relief of certain settlers on university and State lands."

Mr. Gibbs, from the judiciary committee, reported back with amendments, the act to amend an act entitled "An act to amend part 3, title 1, chapter 3 of the Revised Statutes, and for other purposes," approved February 8, 1839; placed upon the general order.

The Chair announced a communication from L. S. Humphrey, one of the Commissioners of internal improvement, asking for a committee to examine into his accounts, which was laid upon the table.

On motion of Mr. Bacon,

A committee of five were appointed for that purpose, consisting of Messrs. Hammond, Stout, McKee, Finney and Adam.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 12, 1839. }

To the Speaker of the House of Representatives :

I am instructed by the Senate to return the bill (supplementary) to establish the State bank of Michigan, and respectfully inform you that the accompanying report of the committee of conference thereon has been concurred in by the Senate.

I am also instructed to transmit to the House of Representatives the "Act to amend the act to incorporate the village of Niles," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The bill supplementary to the act to establish a State bank being under consideration, the House concurred in the report of the committee of conference, viz : to insert the following as section four :

"That no loan or discount shall be made when two directors withhold their consent ;" and the following was the vote on its final passage :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Patterson, |
| Mr. Adam, | Mr. Gibbs, | Mr. Pond, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Saunders, |
| Mr. Bacon, | Mr. Hammond, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Smith, |
| Mr. Chapin, | Mr. Jennings, | Mr. Speaker, |
| Mr. Chase, | Mr. King, | Mr. Stout, |
| Mr. Clark, | Mr. Little, | Mr. Tackles, |
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | Mr. Newton, | |

32

NAYS.

| | | |
|-------------|--------------|--------------|
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Eaton, | Mr. McKee, | Mr. Sheldon, |

6

And the amendatory act to incorporate the village of Niles was referred to committee on banks and incorporations.

On motion of Mr. Renwick,

The House adjourned.

SATURDAY, APRIL 13.

The House met pursuant to adjournment, and on calling the roll, there were absent, Mr. Mead on leave, and Mr. Decker.

Mr. Axford asked and obtained leave of absence for Mr. Decker, until Monday.

Mr. Gibbs, from the committee on the judiciary, reported back without amendment, the bill to provide for the recording of town plats and for vacating the same, and the bill to prescribe the powers and duties of justices of the peace in civil proceedings; referred to the committee of the whole.

Mr. Bacon, from the committee on the library, reported the following resolution:

Resolved, That the communication of the Librarian, with the schedule of books purchased in conformity to the act of March 21, 1837, be published with the documents of this House.

Adopted.

Mr. Fitzgerald presented the claim of Adams Peabody.

Mr. Bacon from the committee on the library, laid the following joint resolution in relation to the library, on the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Librarian, under the direction of the Governor and Secretary of State, be authorized to procure and place in the library, a book case, provided the same does not exceed the sum of \$250.

Mr. Tucker presented a bill to legalize the township elections held in the townships of Farmington and Ecorse on the first Monday of April, A. D. 1839.

Read the first and second time and laid on the table.

Mr. Tucker presented the following preamble and resolution:

Whereas, A resolution passed this House on the 9th day of April, requiring the committee appointed to investigate the gene-

ral accounts and proceedings of the board of internal improvement, to report on or before Thursday last past; and whereas, your committee did submit their report, agreeable to said resolution, and it was laid upon the table without ordering the same to be printed; and whereas, information has come to your committee that a copy of the same has been taken while entrusted by the House to the hands of the honorable member, Mr. Smith, and is now abroad; therefore,

Resolved, That this House order, without delay, to be printed 500 copies of said report and accompanying documents, for the use of its members.

Mr. Pond moved, as an amendment, the following resolution:

Resolved, That double the usual number of copies of the report of the majority of the committee, appointed to investigate the accounts and general proceedings of the Commissioners of internal improvement, presented to this House on the 9th instant, be printed, together with the same number of copies of the communication of Edwin H. Lothrop and Levi S. Humphrey, relative thereto.

Mr. Wixom offered as an amendment to the amendment, the following resolutions:

Resolved, That the report of the committee appointed to investigate the accounts of the board of Commissioners of internal improvement, be laid upon the table until Monday next, and then be printed, together with the memorials of Levi S. Humphrey and Edwin H. Lothrop, and also the report of the committee yesterday appointed to investigate the charge of defalcation of Levi S. Humphrey.

Resolved, That the committee appointed yesterday to examine the accounts of Levi S. Humphrey, acting Commissioner on the southern railroad, be, and they are hereby required to report to this House on Monday next.

Mr. McKee called for a division of the question on the first resolution, as to laying the report and documents on the table until Monday next, which was decided by the following vote:

YEAS.

Mr. A. Allen,
Mr. Chapin,

Mr. Finney,
Mr. Fitzgerald,

Mr. McKee,
Mr. Saunders,

| | | | |
|------------|--------------|-------------|----|
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, | |
| Mr. Eaton, | Mr. Mack, | Mr. Wixom, | 12 |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Adam, | Mr. Grovier, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Hammond, | Mr. Patterson, | |
| Mr. Bacon, | Mr. Howland, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Pond, | |
| Mr. Brown, | Mr. King, | Mr. Renwick, | |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, | |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, | |
| Mr. Dort, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Durocher, | Mr. Near, | Mr. Stout, | |
| Mr. Gibbs, | Mr. Newton, | Mr. Tackels, | 33 |

The question recurring on the remainder of the first resolution, it was withdrawn, and the question being on the second resolution, it was laid on the table.

Mr. Renwick moved to amend by striking out "together with," and insert "and the same number of copies of;" carried.

Mr. Renwick moved a division of the resolution relative to printing; carried, and the question recurring on the remainder of the resolution,

Mr. Finney moved to add "and attached thereto," after the word "printed;" adopted, and the remainder of the resolution as amended, was adopted.

Mr. Tucker then withdrew his preamble and resolution.

Mr. Livermore, from the committee on printing, returned with amendments the substitute for the bill in relation to State printing, which being under consideration,

Mr. McKee inquired whether there was not a resolution pending.

And the Chair decided there was not.

Mr. McKee appealed from the decision of the Chair, on its deciding that the resolution offered by Mr. Tucker was not still before the House.

The yeas and nays being called for, the Chair was sustained by the following vote :

YEAS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. Gibbs, | Mr. Meacham, | |
| Mr. Adam, | Mr. Goodwin, | Mr. Near, | |
| Mr. L. Allen, | Mr. Grovier, | Mr. Newton, | |
| Mr. Beaufait, | Mr. Hammond, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Howland, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Chase, | Mr. King, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Lowry, | Mr. Shurts, | |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, | |
| Mr. Davis, | Mr. Little, | Mr. Speaker, | |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, | 33 |

NAYS.

| | | | |
|-------------|------------|----------------|---|
| Mr. Eaton, | Mr. Mack, | Mr. Patterson, | |
| Mr. Finney, | Mr. McKee, | Mr. Pond, | 6 |

Mr. Smith called up the resolution to authorize the Auditor General to draw a certain warrant, and the same being under consideration,

Mr. Acker moved a call of the House; carried, and it appeared that Messrs. Bacon, Chapin, Decker, Little and Mead were absent.

Mr. Finney moved a suspension of the call; adopted, and the question recurring on the adoption of the resolution, it was decided as follows :

YEAS.

| | | | |
|-----------------|----------------|--------------|----|
| Mr. Adam, | Mr. Hammond, | Mr. Pierce, | |
| Mr. A. Allen, | Mr. Lowry, | Mr. Renwick, | |
| Mr. L. Allen, | Mr. Levake, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Mack, | Mr. Shurts, | |
| Mr. Eaton, | Mr. McKee, | Mr. Smith, | |
| Mr. Fitzgerald, | Mr. Ormsby, | Mr. Speaker, | |
| Mr. Gibbs, | Mr. Patterson, | Mr. Tucker, | 21 |

NAYS.

| | | | |
|---------------|--------------|---------------|--|
| Mr. Acker, | Mr. Finney, | Mr. Near, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Newton, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, | |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, | |

| | | |
|---------------|----------------|--------------|
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, |
| Mr. Clark, | Mr. Jennings, | Mr. Stout, |
| Mr. Davis, | Mr. King, | Mr. Tackels, |
| Mr. Dort, | Mr. Livermore, | Mr. Wixom, |
| Mr. Durocher, | Mr. Meacham, | 26 |

Mr. Wixom offered the following resolution, and moved a suspension of the rule, which was decided as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurts, |
| Mr. Chase, | Mr. King, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | Mr. Patterson, | 29 |

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, |
| Mr. Davis, | Mr. Near, | Mr. Tucker, |
| Mr. Hammond, | | 19 |

Resolved, by the Senate and House of Representatives of the State of Michigan, That on Monday, the 15th of April instant, the two houses of the Legislature, shall proceed to the election of Senator to represent the State of Michigan in the Senate of the United States, and may continue from day to day until such election is completed, any law or resolution to the contrary notwithstanding.

Mr. Levake called up the resolution offered by him yesterday, relative to the appraisement of damages on the Sault Ste. Mary's ship canal, and the same being under consideration, it was decided as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Axford, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hammond, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurtz, |
| Mr. Dort, | Mr. Levake, | Mr. Speaker, |
| Mr. Durocher, | Mr. Livermore, | Mr. Tackels, |
| Mr. Eaton, | Mr. Mack, | Mr. Tucker, |

30

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |

15

Mr. Adam laid the following resolution on the table :

Resolved, (the Senate concurring herein,) That

be, and he is hereby nominated and appointed by the Legislature of this State, to the office of Senator in Congress of the United States, to fill the vacancy occasioned by the expiration of the term of Mr. Lyon, on the fourth of March last.

The Speaker announced a communication from the committee appointed to settle with the Michigan State bank.

On motion of Mr. Gibbs,

The House adjourned.

AFTERNOON SESSION.

Half past two o'clock, P. M.

The House met pursuant to adjournment.

Mr. Fitzgerald, from the committee on banks and incorporations, reported back the bill from the Senate "to amend an act entitled 'An act to amend an act to incorporate the village of Niles, and act or acts amendatory thereof,'" and the bill was read a third time and passed.

The Speaker announced a communication from the Postmas-

ter, enclosing his account for postage against members of the Legislature; referred to committee on claims.

The Speaker announced a communication from the Auditor General, transmitting a copy of the agreement made and entered into with the President of the Bank of Michigan, which was laid upon the table and ordered to be printed.

The following message was received from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, April 12, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed to transmit to the House of Representatives the "Bill to amend an act entitled an act to provide for the appointment of a State Printer and to prescribe his powers and duties," approved March 2, 1837, which has passed the Senate, and the concurrence of the House is respectfully asked therein.

I am also instructed to inform the House of Representatives that the Senate do refuse to recede from their amendment to the "Bill (supplementary) to establish a State bank," and that Messrs. Hawkins, Kingsley and Kercheval have been appointed a committee of conference thereon.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the bill to amend an act entitled an act to provide for the appointment of a State Printer, &c., was laid upon the table and made the special order.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, April 13, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to transmit to the House of Representatives the following entitled bills:

A bill "to authorize township meetings to adjourn from one place to another," and

A bill "to amend an act relative to the State geological survey, and repealing an act entitled an act to provide for a geological survey of the State," which have severally passed the Senate and

the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bill to authorize township meetings to adjourn from one place to the other, was referred to the committee on towns and counties.

And the bill to amend "An act relative to the State geological survey, and repealing an act entitled an act to provide for a geological survey of the State," was referred to the committee on education.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 13, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit the following joint resolution, which has passed the Senate, and in which the concurrence of the House of Representatives is respectfully asked.

Resolved, by the Senate and House of Representatives of the State of Michigan. That the joint resolution passed April 2d, 1839, in relation to the adjournment of the Legislature, be, and the same is hereby repealed.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the said resolution lies on the table.

The House then took up the Senate bill "to amend an act relative to circuit courts."

And after some time spent thereon, the same was laid upon the table.

On motion of Mr. Livermore,

The House took up the bill for the relief of Calvin C. Parks and others, and the same was amended, read a third time and passed.

On motion of Mr. Fitzgerald,

The House resolved itself into committee of the whole, Mr.

Adam in the chair, on the bill to lay out and establish certain State roads.

And after some time spent therein, the committee rose and through their chairman reported the same back to the House with amendments, which were concurred in, and,

On motion of Mr. Acker,

The rule was suspended and the bill read a third time and passed.

Mr. Ormsby from the committee on towns and counties, reported back without amendment the bill relative to changing the place of holding township meetings, and the same was read a third time and passed.

On motion of Mr. Ormsby,

The House took up the bill 114, relative to changing the terms of circuit courts, and the same being under consideration, Mr. Mack moved to amend the same by adding the following amendment:

"Sec. 2. That the next term of the circuit court of Wayne county to be holden as aforesaid, on the fourth Tuesday of April inst., shall be for the trial and disposition of criminal cases, and for the argument and disposition of such questions of law, as said court by rules of court may provide for, not inconsistent with the object of clearing the jail of said county and disposing of the criminal business;" adopted.

Mr. Livermore moved to amend the bill by inserting "third Tuesdays of June and December," instead of "May and November," in Oakland county; carried.

Mr. Tucker moved to add after the first section "in the county of St. Clair on the third Tuesday of April and October in each year, in the county of Macomb on the second Tuesday of April and October in each year after the year 1839;" which was adopted.

Mr. Goodwin moved to amend as follows:

"All process issued before the passage of this act shall be returnable at the next terms respectively as herein established, and such process shall be as valid as if no alteration had been made in terms of the said courts, and all other proceedings shall be as valid and

be had in like manner as if the terms of said courts had remained as hitherto established by law;" adopted.

Mr. Finney moved to amend by inserting "in Ottawa county on the fourth Tuesday of May and October in each year;" adopted.

On motion, said bill was ordered to be engrossed for a third reading.

On motion of Mr. Adam,

The committee of the whole were discharged from the further consideration of the "Bill to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county, and the same was read a third time and passed.

Mr. Clark moved a reconsideration of the vote taken on the resolution "to authorize the Auditor General to draw a certain warrant."

Mr. Acker moved a call of the House.

Mr. A. Allen moved to adjourn; lost by the following vote:

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Newton, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Renwick, |
| Mr. Bacon, | Mr. Livermore, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Durocher, | Mr. Near, | |

20

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Dort, | Mr. Mack, | Mr. Smith, |
| Mr. Eaton, | Mr. McKee, | Mr. Stout, |
| Mr. Finney, | Mr. Patterson, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Pond, | |

24

The question recurring on a call of the House, it was ordered, by the following vote:

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Hooker, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Lowry, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Livermore, | Mr. Pond, |
| Mr. Axford, | Mr. Mack, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Saunders, |
| Mr. Dort, | Mr. McKee, | Mr. Sheldon, |
| Mr. Finney, | Mr. Near, | Mr. Shurts, |
| Mr. Goodwin, | Mr. Newton, | Mr. Speaker, |
| Mr. Groyer, | Mr. Ormsby, | Mr. Tackels, |
| Mr. Howland, | | |

28

NAYS.

| | | |
|---------------|-----------------|-------------|
| Mr. Adam, | Mr. Durocher, | Mr. Little, |
| Mr. Bacon, | Mr. Eaton, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Smith, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Stout, |
| Mr. Clark, | Mr. Jennings, | Mr. Tucker, |
| Mr. Copeland, | Mr. Levake, | Mr. Wixom, |

18

The roll was called, and Messrs. Brown, Chase, Decker, Hammond and Mead, were absent.

On motion of Mr. Acker,

Further proceedings in the call were dispensed with, and the question recurring on the motion to reconsider the vote on the resolution to authorize the Auditor General to draw a certain warrant, it was decided as follows :

YEAS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Goodwin, | Mr. Renwick, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chapin, | Mr. Levake, | Mr. Sheldon, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Smith, |
| Mr. Dort, | Mr. McKee, | Mr. Speaker, |
| Mr. Eaton, | Mr. Ormsby, | Mr. Stout, |
| Mr. Finney, | Mr. Patterson, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Pierce, | Mr. Wixom, |
| Mr. Gibbs, | | |

31

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Livermore, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Meacham, |
| Mr. Axford, | Mr. Howland, | Mr. Near, |
| Mr. Bacon, | Mr. Hooker, | Mr. Newton, |
| Mr. Davis, | Mr. King, | Mr. Tackels, |

15

Mr. Adam offered the following amendment :

"Provided that said payment shall be made out of moneys on account of the October instalment of the five million loan;" adopted, and the resolution was passed by the following vote :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Levake, | Mr. Shurtz, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Copeland, | Mr. Mack, | Mr. Speaker, |
| Mr. Dort, | Mr. McKee, | Mr. Stout, |
| Mr. Durocher, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Eaton, | Mr. Patterson, | |

26

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Grovier, | Mr. Newton, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Hooker, | Mr. Saunders, |
| Mr. Davis, | Mr. King, | Mr. Tackels, |
| Mr. Finney, | Mr. Livermore, | Mr. Wixom, |
| Mr. Goodwin, | Mr. Meacham, | |

17

On motion of Mr. Acker,

The House adjourned.

MONDAY, APRIL 15.

The House met pursuant to adjournment, and on calling the roll, there were absent, Messrs. Eaton, Hammond and Mead.

Prayer by the Rev. Mr. Chaplin.

The journal of Saturday was read and corrected.

REPORTS.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act supplementary to the act entitled 'an act to establish the State bank of Michigan.'"

And "An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes."

Mr. Adam presented a claim of F. Johnson; referred to the committee on claims.

A communication was received from Isaac W. Averill, relative to hoes for State prison; referred to the committee on State prison.

Also, a communication from James B. Hunt, one of the Commissioners of internal improvement; which was laid upon the table, and,

On motion of Mr. Livermore,

The same was ordered to be printed.

The following message was received from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, April 13, 1839. {

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House of Representatives the "Bill to provide for purchasing the Detroit and Pontiac railroad, and for other purposes," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the same was referred to the committee on banks and incorporations.

Mr. Bacon called up the resolution offered by him, relative to printing the act establishing a State bank, and amended the same as follows :

Resolved, That 500 copies of the act to establish a State bank be printed for the use of the Legislature, and also, 500 copies of the supplementary act.

And the resolution was adopted.

The resolution from the Senate, relative to adjournment, being under consideration,

On motion of Mr. Renwick,

The same was amended by the addition of a proviso thereto, viz :

That the two Houses will adjourn on Wednesday next, and the resolution as amended was adopted, as follows :

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Hooker, | Mr. Renwick, |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Sheldon, |
| Mr. Decker, | Mr. Livermore, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Tucker, |
| Mr. Finney, | Mr. Newton, | |

29

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Aoker, | Mr. King, | Mr. Near, |
| Mr. Bacon, | Mr. Lowry, | Mr. Patterson, |
| Mr. Brown, | Mr. Levake, | Mr. Smith, |
| Mr. Davis, | Mr. Meacham, | Mr. Speaker, |
| Mr. Goodwin, | | |

13

Mr. Smith called up the resolution by him laid upon the table, relative to a proposed amendment to the Constitution.

And the yeas and nays being demanded, the same was passed, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Saunders, |

| | | | |
|---------------|--------------|--------------|----|
| Mr. Bacon, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Levake, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Little, | Mr. Smith, | |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Stout, | 21 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Goodwin, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Chase, | Mr. King, | Mr. Pond, | |
| Mr. Davis, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, | |
| Mr. Durocher, | | | 19 |

Mr. Bacon called up the resolution reported by the committee on the library, relative to a certain book-case for the library, and the same was adopted.

Mr. Finney asked and obtained leave to introduce a bill to attach a certain tract of country to Ottawa county, for judicial purposes; referred to the committee on towns and counties.

Mr. McKee asked and obtained leave of absence for Mr. Hammond, on account of indisposition.

On motion of Mr. Adam,

The House went into committee of the whole, Mr. Gibbs in the chair, on the bill and substitute relative to a State Printer, and after spending some time thereon, reported back the substitute with sundry amendments; and,

On motion of Mr. Adam,

The same was ordered to a third reading.

Mr. Smith then moved to strike out the word "one," and insert "two," in section first, and the yeas and nays being demanded, the amendment was lost by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Durocher, | Mr. Livermore, |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Dort, | | |

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Finney, | Mr. Meacham, |
| Mr. Adam, | Mr. Grovier, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Axford, | Mr. Lowry, | Mr. Pierce, |
| Mr. Bacon, | Mr. Levake, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Little, | Mr. Sheldon, |
| Mr. Brown, | Mr. Mack, | Mr. Speaker, |
| Mr. Davis, | | |

22

The bill was then passed.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 15, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the bill confirming the conveyance of the trustees of the French Catholic church of the city of Monroe, to Bishop Rese, &c., which has been concurred in by the Senate.

Also, a bill "relative to certain State annual reports," which has been concurred in by the Senate, with certain amendments thereto attached.

I am also instructed to transmit the "Act to incorporate St. Philip's college," and respectfully inform you that the Senate have concurred in the amendment thereto made by the House, except the amendment to section six, line three, in which they refuse to concur, and have appointed as a committee of conference thereon, Messrs. Kercheval, Woodbridge and Drake.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the House concurred in the amendments made to the "Bill in relation to certain State annual reports," and the same was ordered to be enrolled, and receded from their amendment to the sixth section of the "Bill to incorporate St. Philip's college," and the same was passed.

On motion of Mr. Adam,

The House went into committee of the whole, Mr. Dort in the chair, on the "Bill to incorporate the Adrian insurance company,"

and after spending some time thereon, the committee rose, reported the bill back to the House with sundry amendments, which the House concurred in; and,

On motion of Mr. Adam,

The rule was suspended, the bill read a third time, and passed by a vote of two-thirds.

On motion of Mr. Chapin,

The committee of the whole were discharged, and the House took up the "Bill to provide for recording town plots, and for vacating the same in certain cases;" and,

On motion of Mr. Chapin,

The bill was read a third time and passed.

Mr. Mack presented a claim of Levi Brown; referred to the committee on claims.

On motion of Mr. Mack,

The house took up the "Bill to amend part 1, title 7, chapter 1, Revised Statutes, relative to inspection of provisions."

The Speaker moved to strike out the third section of the bill, which section provides for inflicting a penalty on those persons selling articles without having them inspected, and the same was stricken out.

On motion of Mr. Mack,

The last section was so amended as to read, "this act shall take effect from and after its passage."

The bill was then read a third time and passed.

Mr. Wixom, from committee on claims, reported a bill making appropriations for the year 1839, and for other purposes, which was ordered to be printed.

On motion of Mr. McKee,

The words "and resolution," after the word "preamble," was stricken from Saturday's journal.

On motion of Mr. Adam,

The House adjourned.

AFTERNOON SESSION.

Half-past two o'clock, P. M.

The House met pursuant to adjournment, and on the roll being called, there were absent Messrs. Acker, A. Allen, Chapin, Finney, Fitzgerald, Goodwin, Little, Livermore, McKee and Smith.

And Messrs. Eaton, Hammond and Mead, on leave.

The Speaker announced the following message from the Governor, by his secretary, S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 15, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act supplementary to the act entitled "An act to establish the State bank of Michigan."

An act to change the name of the township of Cady, in the county of Calhoun.

An act authorizing Isaac E. Crary, executor of the last will and testament of Ezra Convis, to sell certain land.

An act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases, and for other purposes.

S. T. MASON.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 15, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the following bills :

A bill to legalize the late township meeting in the township of Holly, in the county of Oakland.

A bill to legalize the acts of the trustees of the first presbyterian society of the township of Troy, in the county of Oakland, and respectfully inform you that the same have severally passed the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE.

Secretary of the Senate.

And the bills were referred to the committee on the judiciary.

The "Bill to provide for regulating the terms of circuit courts in certain counties, and for other purposes," which had been ordered to a third reading, was taken up, read a third time and passed.

On motion of Mr. Dort,

The committee of the whole were discharged, and the House took up the bill "to amend an act entitled 'an act to incorporate the Mechanic's society of Detroit,'" and on motion of Mr. Mack, the bill was read a third time and passed.

Mr. Ormsby, from the committee on towns and counties, reported back without amendment the "Bill to attach a certain tract of country to Ottawa county, for judicial purposes:" and

The House having taken up the bill, it was read a third time and passed.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act confirming the conveyance of the trustees of the French Catholic church of Monroe to the Rt. Rev. Frederick Reese, Bishop of Detroit."

And "An act relative to certain State annual reports."

On motion of Mr. Lowry,

The House took up the "Bill to repeal part of section 10, chapter 2 of title 1st of part 1st of the Revised Statutes:

Mr. Renwick moved to strike out all after the enacting clause of the bill, which motion prevailed.

Mr. Adam then moved that the House take up the resolution relative to the election of United States Senator, which motion prevailed.

Mr. Wixom then moved a call of the House, which was sustained, and on calling the roll, there were absent Messrs. Acker, A. Allen, Chapin, Finney, Fitzgerald, Goodwin, Little, Livermore, McKee and Smith; and Messrs. Eaton, Hammond and Mead, on leave.

The sergeant-at-arms was, on motion of Mr. Adam, directed to bring in absentees.

On motion of Mr. Adam,

Further proceedings in the call were dispensed with.

Mr. Adam then moved to fill the blank in the resolution with "Edward Mundy," decided by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Dort, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Finney, | Mr. Shurts, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Smith, |
| Mr. Chase, | Mr. Gibbs, | Mr. Speaker, |
| Mr. Clark, | Mr. Livermore, | Mr. Wixom, |
| Mr. Decker, | Mr. McKee, | |

17

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Grovier, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Howland, | Mr. Patterson, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pond, |
| Mr. Brown, | Mr. King, | Mr. Seeley, |
| Mr. Copeland, | Mr. Meacham, | Mr. Sheldon, |
| Mr. Davis, | Mr. Near, | Mr. Tackels, |
| Mr. Durocher, | Mr. Newton, | |

23

The members not voting having been excused.

Mr. Lowry then moved to lay the resolution on the table, and the motion prevailed.

On motion of Mr. Dort,

The House went into committee of the whole, Mr. Ormsby in the chair, on the bill to prescribe the powers and duties of justices of the peace in civil proceedings.

After spending some time thereon, the committee rose, reported the same back to the House without amendment ; when

Mr. Wixom moved to lay it on the table ; lost.

Mr. Fitzgerald moved it be referred to committee on the judiciary, with instructions to fill the blanks ; adopted.

Mr. Wixom moved that the House take up the resolution fixing the time for electing a United States Senator, which prevailed, and,

Mr. Wixom then moved to amend by inserting "Tuesday the 10th" instead of Monday the 15th," which amendment was adopted,

Mr. Tucker moved to insert the "3d Monday of January, 1840," lost.

Mr. Lowry moved to strike out all after "Tuesday the 16th," lost.

And the resolution was adopted by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Durocher, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Shurts, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Clark, | Mr. King, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |

27

NAYS.

| | | |
|---------------|---------------|-------------|
| Mr. Acker, | Mr. Hooker, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Near, | Mr. Tucker, |
| Mr. Howland, | Mr. Newton, | |

17

The Senate bill "to incorporate the Berrien Mutual Insurance company," was then, on motion of Mr. Fitzgerald, taken up by the House.

On motion of Mr. Fitzgerald,

The 5th line in section 6, was amended so as to read "with satisfactory security," after the word "note."

Mr. Lowry moved to strike out in section 9, line 6, after the word "losses;" adopted.

The bill was then read a third time, and passed by a two-third vote.

The "Bill to increase the capital stock of the Gibrakar and Flat Rock company," was taken up, passed to a third reading, and,

On motion of Mr. Fitzgerald,

The same was read a third time and passed by a two-thirds vote, as follows:

YEAS.

| | | |
|------------|---------------|-----------|
| Mr. Acker, | Mr. Clark, | Mr. Mack, |
| Mr. Adam, | Mr. Copeland, | Mr. Near, |

| | | | |
|---------------|-----------------|----------------|----|
| Mr. A. Allen, | Mr. Dort, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. King, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Chase, | Mr. Little, | Mr. Stout, | 21 |

NAYS.

| | | | |
|---------------|---------------|--------------|---|
| Mr. Davis, | Mr. Howland, | Mr. Sheldon, | |
| Mr. Durocher, | Mr. Jennings, | Mr. Speaker, | |
| Mr. Grovier, | Mr. Meacham, | Mr. Wixom, | 9 |

Mr. Finney moved that the House take up the "Bill to amend an act to incorporate the Grand Rapids bridge company;" and,

The same being under consideration, it was read a third time and passed, as follows:

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Gibbs, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Brown, | Mr. King, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Little, | Mr. Shurts, | |
| Mr. Chase, | Mr. Mack, | Mr. Smith, | |
| Mr. Clark, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Dort, | Mr. Near, | Mr. Stout, | |
| Mr. Durocher, | Mr. Newton, | Mr. Wixom, | 30 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Lowry, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Davis, | Mr. Jennings, | Mr. Tucker, | |
| Mr. Goodwin, | | | 10 |

The House then took up the bill to create a fund for the benefit of the branches of the university of Michigan.

On motion of Mr. Adam,

The fourth and fifth lines after the word "Governor," in section 2, were stricken out.

Mr. Renwick moved to strike out all after the word "applied," in section 1, and insert "for the benefit of the common school fund in lieu thereof."

Mr. Acker then moved the indefinite postponement of the bill, and the yeas and nays being demanded, the motion prevailed by the following vote :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Hooker, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Renwick, |
| Mr. Axford, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Clark, | Mr. Meacham, | Mr. Shurts, |
| Mr. Davis, | Mr. Near, | Mr. Stout, |
| Mr. Decker, | Mr. Newton, | Mr. Tackels, |
| Mr. Dort, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Howland, | | |

25

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Mack, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Copeland, | Mr. Levake, | Mr. Spunker, |
| Mr. Durocher, | Mr. Little, | Mr. Wixom, |
| Mr. Finney, | | |

19

Mr. Shurts offered the following, which was adopted :

Resolved, That the select committee to whom was referred sundry petitions on the subject of abolition of slavery, be requested to report by Tuesday morning next.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 15, 1839.

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives, the bill "regulating sales at auction, and for other purposes," and the bill to provide for the government and discipline of the State prison, and respectfully inform you that, the same have severally been concurred in and passed the Senate.

I am also instructed to transmit to the House of Representatives the joint resolution relative to adjournment, and respectfully inform you that the Senate have concurred in the proviso thereto adopted by the House.

SAMUEL YORKE AT LEE,

Secretary of Senate.

On motion,

The House then adjourned.

TUESDAY, APRIL 16.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Chaplin.

On motion of Mr. Wixom,

The reading of the journal was dispensed with for the remainder of the session.

Mr. Gibbs, from the committee on the judiciary, reported back without amendment a "Bill to legalize the acts of the trustees of the first Presbyterian church of Troy, in the county of Oakland," and a "Bill to legalize the late township meeting in the township of Holly, Oakland county."

Also, with sundry amendments, the "Bill to prescribe the powers and duties of justices of the peace in civil and criminal proceedings."

Placed upon the general order.

Mr. Tucker presented a claim of Benjamin C. Cox for services as engineer on the northern railroad.

Mr. Brown, from the select committee on the subject of slavery, made a report thereon, which lies upon the table.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act regulating sales at auction, and for other purposes.

Mr. Gibbs offered the following resolution, which was adopted, the rule having been suspended:

Resolved, (if the senate concur herein,) That the 10th joint rule of the Senate and House of Representatives be suspended for the remainder of this session.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER, }
April 15.

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "Bill more effectually to protect the public against various frauds," which has passed the Senate with amendments.

I am also instructed to return to the House of Representatives the following bills, which were severally lost on the vote for the final passage thereof :

"A bill supplementary to an act for abolishing imprisonment for debt and punishing fraudulent debtors."

"A bill to authorize the administrator on the estate of James Riggs, late of the county of Oakland, to convey real estate."

Also, a "Bill to amend an act to incorporate the Saginaw and Genesee railroad company."

SAM'L YORKE AT LEE,

Secretary of Senate.

And the House concurred in the amendments made by the Senate to the bill more effectually to protect the public against various frauds, and the bill passed.

Mr. Finney, from the committee on internal improvement, reported a bill making further appropriations on the works of internal improvement, and the same was ordered printed, and placed on the general order.

On motion of Mr. Dort,

The House went into committee of the whole, Mr. Ormsby in the chair, on the "Bill to prescribe the powers and duties of justices of the peace in civil and criminal proceedings;" and after spending some time thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Dort,

The House resolved itself into committee of the whole, on the "Bill making appropriations to defray the expenses of the government for 1889, and for other purposes," Mr. Little in the chair,

and after spending some time thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Wixom,

The House adjourned.

AFTERNOON SESSION.

Half past two o'clock, P. M.

On the roll being called, there were absent Messrs. Mead and Hammond.

The following communication was received from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, April 16, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives the following bills, which have passed the Senate:

A bill to organize a certain township, with an amendment to substitute 'north' for 'south,' in the fourth line, and to substitute 'nine' for 'seven,' in the fifth line.

A bill amendatory of part 1, title 7, chapter 1, of the Revised Statutes, relative to the inspection of provisions.

A bill to incorporate the Adrian insurance company.

A bill to attach a certain tract of country to the county of Ottawa for judicial purposes.

A bill to amend an act entitled an act to incorporate the Mechanics' society of Detroit.

A bill to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county.

A bill to increase the capital stock of the Gibraltar and Flat Rock company.

A bill to amend an act entitled an act to incorporate the Grand Rapids bridge company.

I am also instructed to transmit the following bills, which have passed the Senate, and respectfully ask the concurrence of the House therein.

A bill to authorize the building of a certain dam therein named:

A bill for the relief of David Brown and Samuel Clark.

A bill to provide for the payment of certain claims therein mentioned.

I am also instructed to return the following joint resolutions which have been concurred in by the Senate.

A joint resolution relative to the election of an United States Senator.

A joint resolution relative to suspension of the 10th joint rule of the Senate and House of Representatives.

A joint resolution to pay E. H. Lothrop a certain sum of money.

A joint resolution relative to providing a book case, with amendments to strike out '\$250' and insert '100,' and also to add, 'and the same shall be paid out of the moneys appropriated for the increase of the library.'

A joint resolution relative to elections.

And also to return a joint resolution proposing a certain amendment to the Constitution of the State of Michigan, and respectfully inform you that on the final vote for the passage thereof the same was lost.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the House concurred in the amendments to the 'Bill to organize a certain township,' and the same was passed.

And the "Bill to authorize building a certain dam," was referred to the committee on roads and bridges.

And the bill 'for the relief of D. Brown and Samuel Clark,' was referred to Mr. McKee.

And the bill "to provide for the payment of certain claims therein mentioned," was referred to the committee on claims.

And the resolution relative to a book case for the library being under consideration, the House concurred in the amendments made by the Senate thereto, and on motion of Mr. Goodwin, it was laid upon the table.

And the "Bill to amend part I, title 7, chapter 1, of the Revised Statutes, relative to the inspection of provisions," and, the "Bill to incorporate the Adrian insurance company," the "Bill to attach a certain tract of country to the county of Ottawa," the "Bill to amend an act entitled an act to incorporate the Mechanics' society

of Detroit," the "Bill to provide for the apportionment of a fine assessed in Berrien county, among the school districts in that county," the "Bill to increase the capital stock of the Gibraltar and Flat rock company," and the "Bill to amend an act entitled an act to incorporate the Grand Rapids bridge company," were all ordered to be enrolled.

On motion of Mr. Wixom;

The House took up the resolution relative to the election of an U. S. Senator.

Mr. Finney moved a call of the House, which motion was sustained, and on calling the roll, there were absent Messrs. Eaton and Sheldon, and Messrs. Hammond and Mead on leave, and the sergeant-at-arms was instructed to bring in absentees.

On motion of Mr. Smith, the call was laid upon the table.

The House then went again into committee of the whole on the "Bill making appropriations for government purposes," Mr. Little in the chair, and after spending some time thereon, rose, reported progress, and asked and obtained leave to sit again.

Mr. McKee, to whom was referred a "Bill for relief of David Brown and Samuel Clark," reported the same back without amendment; laid upon the table.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act more effectually to protect the public against various frauds."

"An act to provide for the government and discipline of the State prison," and

"A joint resolution authorizing the Auditor General to audit the account of E. H. Lothrop,"

Also, a "joint resolution relative to the election of United States Senator."

Mr. Renwick, from the committee on roads and bridges, reported back without amendment, the "Bill to authorize the building of a certain dam therein named," and obtained their discharge from the consideration thereof.

Mr. Finney gave notice that at some future day he should ask leave to introduce a bill supplementary to the bill for the relief of certain settlers.

On motion of Mr. Smith,

Further proceedings in the call were dispensed with, and the resolution being again under consideration,

Mr. Smith moved to fill the blank with the name of "Alpheus Felch;" and the yeas and nays being demanded, the same was decided by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Eaton, | Mr. McKee, | |

26

NAYS.

| | | |
|---------------|--------------|--------------|
| Mr. Bacon, | Mr. King, | Mr. Pierce, |
| Mr. Brown, | Mr. Little, | Mr. Renwick, |
| Mr. Copeland, | Mr. Meacham, | Mr. Seeley, |
| Mr. Davis, | Mr. Near, | Mr. Stout, |
| Mr. Durocher, | Mr. Newton, | Mr. Tackels, |
| Mr. Hooker, | Mr. Ormsby, | |

17

The members not voting were excused.

The question then being on the passage of the resolution, the same was decided as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Decker, | Mr. Livermore, | Mr. Smith, |
| Mr. Dort, | Mr. Mack, | Mr. Speaker, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |

27

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Axford, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Pierce, |
| Mr. Copeland, | Mr. Lowry, | Mr. Renwick, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tackels, |
| Mr. Howland, | Mr. Near, | |

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Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act to organize a certain township.

An act to attach a certain tract of country to Ottawa county.

An act to amend an act entitled an act to incorporate the Grand Rapids bridge company.

An act to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county.

An act to amend an act entitled an act to incorporate the Mechanics' society of Detroit.

An act to increase the capital stock of the Gibraltar and Flat rock company.

And an act amendatory of part 1, title 7, and chapter 1, of the Revised Statutes, relative to the inspection of provisions, &c.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, }
April 16, 1839. }

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

An act regulating sales at auction and for other purposes.

An act more effectually to protect the public against various frauds.

A joint resolution authorizing the Auditor General to audit the accounts of E. H. Lothrop.

An act to incorporate St. Philip's college.

An act to authorize township meetings to adjourn from one place to another.

An act further to amend an act entitled an act to amend an

act to incorporate the village of Niles, and the act or acts amendatory thereof.

A joint resolution to authorize the Auditor General to draw a certain warrant.

S. T. MASON.

On motion of Mr. Wixom,

The House again resolved itself into committee of the whole, Mr. Little in the chair, on the "Bill making appropriations for 1839, to defray the expenses of the government, and for other purposes," and after spending some time thereon the committee rose, reported the bill back to the House with sundry amendments, which the House concurred in, and the same having been amended by Messrs. Little and Mack, the bill was ordered to be engrossed.

The Speaker announced the following message from the Executive.

EXECUTIVE DEPARTMENT, }
April 16, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act relative to trunks, baggage and other unclaimed personal property.

An act to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, and for other purposes.

An act to incorporate Marshall College.

An act relative to certain State annual reports.

An act confirming the conveyance of the trustees of the French Catholic Church of Monroe, to the Right Reverend Frederick Reese, Bishop of Detroit.

S. T. MASON.

Also the following :

EXECUTIVE DEPARTMENT, }
April 16, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

A joint resolution relative to a United States Senator.

S. T. MASON.

And the House adjourned.

WEDNESDAY, APRIL 17.

The House met pursuant to adjournment; the roll being called, there were absent, Messrs. Hammond and Mead, on leave, and Mr. McKee.

Prayer by the Rev. Mr. Chaplin.

REPORTS.

Mr. Adam, from the committee on enrolment, reported as correctly enrolled, the "Bill to incorporate the Adrian insurance company."

Mr. Goodwin, from the select committee, reported :

The select committee, to whom had been referred sundry petitions on the subject of the license laws and prohibition of the traffic in intoxicating liquors, respectfully report, that the petitions are of the same nature and general import as those hitherto considered and reported upon, and that the committee see nothing in the petitions, or elsewhere, to induce them to change their opinion. They are fully satisfied that no prohibitory laws can prevent the existence of excess in community. They ask to be discharged from all further consideration of the subject.

On motion of Mr. Mack,

Resolved, That the committee to whom was referred a bill from the Senate relative to the purchase by the State of the Detroit and Pontiac railroad, be, and they are hereby required to report the same back to the House with as little delay as possible.

Mr. Finney, from the committee on internal improvement, reported the "Bill to provide for purchasing the Detroit and Pontiac railroad, and for other purposes," and the question being on making the same the special order of the day, it was lost.

Mr. Copeland, from the committee on State prison, reported back the bill in relation to purchasing of A. K. Averill a patent right for making hoes, and on his motion were discharged from the further consideration thereof.

Mr. Finney obtained leave to introduce a bill supplementary to the bill for the relief of settlers on university lands, and the same was referred to the committee on university and school lands.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER,
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the " Bill in relation to highways," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,

Secretary of the Sena'e.

And the bill was referred to committee on roads and bridges.

Also the following :

SENATE CHAMBER,
Detroit, April 16, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill to provide for laying out and establishing certain State roads," which has passed the Senate with amendments.

Also, the " Bill making appropriations to John S. Bagg, &c." and inform you that the committee of conference thereon has been discharged, and that the Senate have adopted the following amendment to the amendment made by the House to the Senate amendment, to wit :

To strike out " eight hundred and seventy-five," in the House amendment, and substitute " two thousand ;" and also amend the same further, by striking out the four last lines in said amendment.

Also the " Bill to provide for the payment of the expenses of the survey of a rail road from Centerville to Niles," together with the report of the committee of conference thereon, which has been concurred in by the Senate.

Also to transmit to the House of Representatives, the bill to provide for the assessment and collection of taxes for 1838," together with the report of the committee of conference thereon, which has been concurred in by the Senate.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the "Bill to lay out and establish certain State roads" being under consideration, the House concurred in the amendments made thereto by the Senate, and the bill was ordered to be enrolled.

Mr. Renwick, from the committee on roads and bridges, reported back without amendment the "Bill relative to highways;" laid upon the table.

On motion of Mr. Finney,

The "Bill making appropriations to John S. Bagg," was laid upon the table.

And the bill to provide for the expenses of the survey of the southern railroad between Centerville and Niles, being under consideration, the House concurred in the report of the committee of conference thereon, and the same was ordered to be enrolled.

And the bill for the assessment and collection of taxes for 1838, being taken up, the House concurred in the report of the committee of conference thereon, and the bill was passed.

Mr. Wixom, from the committee on claims, reported back without amendment, the bill authorizing the payment of certain claims; referred to the committee of the whole.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER, }
Detroit, April 16, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives,

The joint resolution "relative to Sault Ste. Marie canal," and respectfully inform you that the same has been concurred in and adopted by the Senate.

SAM'L YORKE AT LEE,
Secretary of the Senate.

Also the following :

SENATE CHAMBER, }
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives,

The "Bill to provide for the draining of swamps, marshes and other low lands," which has passed the Senate with amendment.

Also to transmit a "Bill to authorize the Secretary of State to sell a certain number of copies of the Revised Statutes," which has passed the Senate and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the House concurred in the amendments to the "Bill for draining o' marshes," &c., and the same passed.

And the bill for the selling of a certain number of copies of the Revised Statutes, was referred to the committee on the judiciary.

On motion of Mr. Bacon,

The House took up the resolution relative to locating State bank branches.

On motion of Mr. Bacon,

The first blank was filled with Detroit, Wayne county.

On motion of Mr. Bacon,

The second blank was filled with Monroe, Monroe county.

Mr. Smith moved to fill the third blank with Tecumseh, county of Lenawee.

Mr. A. Allen moved to amend by inserting Adrian, Lenawee county.

Pending which, the resolution was laid upon the table.

The appropriation bill being taken up, Mr. Dort moved to reinstate that portion of the bill relating to paying John M. Wilson, and the yeas and nays being demanded, the motion was lost, by the following vote:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Beaufait, | Mr. King, | Mr. Saunders, |
| Mr. Chase, | Mr. Levake, | Mr. Sheldon, |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, |
| Mr. Eaton, | Mr. Near, | |

17

NAYS.

| | | |
|------------|--------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, |
|------------|--------------|-------------|

| | | |
|---------------|---------------|--------------|
| Mr. Adam, | Mr. Hooker, | Mr. Pond, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chapin, | Mr. Little, | Mr. Shurts, |
| Mr. Clark, | Mr. Meacham, | Mr. Smith, |
| Mr. Davis, | Mr. McKee, | Mr. Speaker, |
| Mr. Goodwin, | Mr. Newton, | Mr. Tucker, |
| Mr. Grovier, | Mr. Ormsby, | |

26

On motion of Mr. Wixom,

Eleven dollars was added to the amount paid to John S. & S. A. Bagg, making the amount \$972.

Mr. Wixom offered the following at the end of 5th section: "to True P. Tucker sixteen dollars, for inspecting two battalions of militia."

Mr. Saunders moved to insert "eight dollars for inspecting one regiment;" lost.

Mr. Tucker then moved to strike out the whole clause.

And the first amendment prevailed.

Mr. Goodwin moved to insert "sixteen dollars in all like cases."

Mr. McKee moved to insert "eight dollars in all such cases."

Mr. Adam moved to strike out 64 and insert 48 in the case of L. Goodell; adopted.

Mr. Chapin moved to strike out 32 and insert 16 in section 1, line 23; adopted.

And 32 was inserted in lieu of 64 in line 43 of section 1.

And 16 was struck out and 8 inserted in the amendment relative to True P. Tucker.

Mr. Pierce moved to strike out that portion relating to Charles Seward; lost.

Mr. Pierce then offered the following, to come in at the end of section 6:

There shall be paid to Alexander D. Crane one hundred and forty seven dollars and sixty nine cents for his services in the year 1838, in apprehending thieves and searching for, catching and securing persons charged with counterfeiting, making and passing the bank notes of this State, and also coin of the United States; said claim to be paid as soon as proof is made to the Auditor General of this State that the services have been performed; lost.

Mr. Adam moved to strike out that portion relative to paying the clergy for their services during the session, and the yeas and nays being demanded, the same was carried by the following vote :

YEAS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. Renwick, | |
| Mr. A. Allen, | Mr. Eaton, | Mr. Saunders, | |
| Mr. Axford, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. Beaufait, | Mr. Levake, | Mr. Smith, | |
| Mr. Brown, | Mr. Mack, | Mr. Speaker, | |
| Mr. Chase, | Mr. McKee, | Mr. Tackels, | |
| Mr. Decker, | Mr. Patterson, | Mr. Tucker, | |
| Mr. Dort, | Mr. Pond, | Mr. Wixom, | 24 |

NAYS.

| | | | |
|---------------|----------------|-------------|----|
| Mr. Acker, | Mr. Jennings, | Mr. Near, | |
| Mr. L. Allen, | Mr. King, | Mr. Newton, | |
| Mr. Clark, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, | |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, | |
| Mr. Howland, | Mr. Meacham, | | 17 |

Mr. Renwick then moved a call of the House, and the roll being called, there were absent Messrs. Mead and Hammond on leave.

The question then being again on striking out the clause,

Mr. Ormsby moved to strike out "three;" lost.

Mr. Fitzgerald moved to amend by inserting, "the same shall be paid out of the per diem allowance of the members of the Legislature."

Mr. Levake moved to amend by adding, "of those members who voted to invite clergymen to open the sessions with prayer," which was withdrawn.

The clause was then stricken out by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Shurts, |

| | | |
|---------------|--------------|--------------|
| Mr. Brown, | Mr. Grovier, | Mr. Smith, |
| Mr. Chapin, | Mr. Hooker, | Mr. Speaker, |
| Mr. Chase, | Mr. Levake, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, |
| Mr. Durocher, | | |

31

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. King, | Mr. Newton, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Ormsby, |
| Mr. Clark, | Mr. Little, | Mr. Pierce, |
| Mr. Copeland, | Mr. Livermore, | Mr. Renwick, |
| Mr. Davis, | Mr. Meacham, | Mr. Seeley, |
| Mr. Howland, | Mr. Near, | Mr. Stout, |
| Mr. Jennings, | | |

19

Mr. Jennings moved to strike out the first clause of the bill, being the second, third and fourth lines, relative to Guy Carpenter.

And the yeas and nays being demanded, the motion was adopted by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. McKee, |
| Mr. L. Allen, | Mr. Finney, | Mr. Near, |
| Mr. Axford, | Mr. Goodwin, | Mr. Newton, |
| Mr. Bacon, | Mr. Grovier, | Mr. Ormsby, |
| Mr. Brown, | Mr. Howland, | Mr. Pierce, |
| Mr. Clark, | Mr. Jennings, | Mr. Renwick, |
| Mr. Copeland, | Mr. Lowry, | Mr. Shurts, |
| Mr. Davis, | Mr. Little, | Mr. Stout, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Dort, | | |

28

NAYS.

| | | |
|-----------------|----------------|--------------|
| Mr. Adam, | Mr. Hooker, | Mr. Seeley, |
| Mr. A. Allen, | Mr. King, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Livermore, | Mr. Smith, |
| Mr. Chapin, | Mr. Mack, | Mr. Speaker, |
| Mr. Chase, | Mr. Patterson, | Mr. Wixom, |
| Mr. Fitzgerald, | Mr. Pond, | |

17

Mr. Smith moved to strike out all after the enacting clause, and the yeas and nays being called for, the same was lost as follows :

YEAS.

| | | | |
|-------------|---------------|--------------|---|
| Mr. McKee, | Mr. Saunders, | Mr. Tackels, | |
| Mr. Pierce, | Mr. Smith, | | 5 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Meacham, | |
| Mr. Adam, | Mr. Eaton, | Mr. Near, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pond, | |
| Mr. Brown, | Mr. Howland, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Chase, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Clark, | Mr. King, | Mr. Shurts, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Davis, | Mr. Little, | Mr. Stout, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, | 42 |

Mr. Ormsby moved to strike out "to Harvey L. Russell, eighty five dollars, for services rendered in sustaining the supremacy of the laws in 1835;" lost.

Mr. Shurts moved a reconsideration of the vote striking out the clause in relation to Guy Carpenter.

Mr. Renwick moved a call of the House ; lost, and the motion of Mr. Shurts prevailed.

The yeas and nays was then ordered on striking out, and the result was as follows :

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Finney, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Ormsby, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pierce, | |
| Mr. Clark, | Mr. Howland, | Mr. Renwick, | |
| Mr. Decker, | Mr. Jennings, | Mr. Stout, | |
| Mr. Dort, | Mr. Lowry, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Meacham, | Mr. Tucker, | 21 |

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Adam, | Mr. Levake, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Little, | Mr. Seeley, |
| Mr. Chase, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Mack, | Mr. Shurts, |
| Mr. Fitzgerald, | Mr. Near, | Mr. Smith, |
| Mr. Gibbs, | Mr. Patterson, | Mr. Speaker, |
| Mr. Hooker, | Mr. Pond, | Mr. Wixom, |

21

Mr. Renwick then moved a call of the House, and the motion was sustained.

The roll being called, there were absent Messrs. Beaufait, Copeland and Davis.

Mr. A. Allen moved to suspend further proceedings on the call ; lost.

The Sergeant-at-arms was then sent for the absentees.

Mr. Adam moved that no member be allowed to go out of the bar of the House without consent of the House during the rest of the session ; lost.

Further proceedings on the call, were then dispensed with.

Mr. Bacon offered the following amendment "to Lewis E. Baily, for loss of a horse in the Toledo war, forty dollars."

Mr. Lowry moved to strike out all that portion of the bill relative to allowing claims for services rendered and damages sustained in sustaining the supremacy of the laws: and the motion was lost by the following vote :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Jennings, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Benwick, |
| Mr. Bacon, | Mr. Meacham, | Mr. Speaker, |
| Mr. Howland, | Mr. Newton, | Mr. Stout, |
| Mr. Hooker, | Mr. Ormsby, | Mr. Tucker, |

15

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Near, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, |
| Mr. Brown, | Mr. Goodwin, | Mr. Saunders, |

| | | |
|---------------|----------------|--------------|
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | | |

34

Mr. Saunders moved the previous question : withdrawn.

Mr. Bacon then demanded the yeas and nays on his amendment, and the same was lost by the following vote :

YEAS.

| | | |
|---------------|-------------|----------------|
| Mr. Bacon, | Mr. Lowry, | Mr. Patterson, |
| Mr. Brown, | Mr. Levake, | Mr. Pierce, |
| Mr. Durocher, | Mr. Little, | Mr. Pond, |
| Mr. Jennings, | Mr. Newton, | Mr. Shurts, |
| Mr. King, | Mr. Ormsby, | Mr. Smith, |

15

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Dort, | Mr. Meacham, |
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Renwick, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Speaker, |
| Mr. Chase, | Mr. Howland, | Mr. Stout, |
| Mr. Clark, | Mr. Hooker, | Mr. Tackels, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tucker, |
| Mr. Decker, | Mr. Mack, | Mr. Wixom, |

33

Mr. Lowry offered the following ; lost :

That all damages sustained and services rendered in the Toledo campaign by any individual, shall be paid from the sinking fund of the State of Michigan or from the funds of the State deposited in the State Bank, at his option, whenever said individual shall submit the necessary evidence to the Auditor General that he has actually rendered such service or suffered the damages claimed by him to be due.

The House then adjourned.

AFTERNOON SESSION.

Half past 2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to provide for the payment of the expenses of the survey of a rail road from Centerville to Niles."

And an "Act to provide for the draining of swamps, marshes, and other low lands."

A message was received from the Governor by his private secretary, S. H. Porter, returning without his signature the "Bill for the relief of settlers on university and school lands," in the following words:

To the House of Representatives :

I return without my signature, to the House in which it originated, a bill entitled "An act for the relief of certain settlers on university and State lands." In refusing my sanction to the provisions of this bill, I am governed by an imperious sense of public duty, urged upon me by the solemnity of my official oath. The determination I make, is a painful one. It has been framed, however, after mature and anxious deliberation, and cannot be resisted.

The ostensible object of the bill, is to secure to certain settlers on public lands, their just right under the pre-emption law of Congress, which it is alleged have been interfered with by the State. Does the bill meet the object intended, and are its provisions limited to the designs of the Legislature ?

I will not permit myself to inquire into the equity of the claims of these settlers. I do not stop to ask, how far the eager hopes of the people of Michigan in an institution fraught with benefits to thousands yet unborn, are crushed by the measure proposed to me. The pre-emption law was framed for the protection of the bold and daring pioneer, who leads the march of civilization, and proclaims to the world the unknown beauties and hidden resources of our western wilderness. For the protection of such men, was the law designed, and if the applicants under the bill before me, are entitled to the right of property in the lands in question, not even for the holy purposes of education, should that right be

disturbed. How far then these claimants come within the spirit and intentions of the legislation of Congress, I leave the Legislature to determine. To the representatives of the people properly belongs the decision of all such questions. Appreciating as they ever should, the high interests committed to their charge, I am bound to believe, that such claim, under this bill, has undergone the most rigid scrutiny, and that none other save a disinterested sense of justice, an anxious desire to protect the rights of the citizen, and a high sense of what is due to the character of the State and our institutions, could have induced your sanction to the measure proposed by the bill before me. If then a mere question of expediency was involved in the bill, it might become my duty to yield to it my unhesitating assent. But my solemn convictions sanction no such conclusion.

By the first section of the bill, you propose to sell at \$1 25-100 per acre, **ANY LANDS LOCATED FOR UNIVERSITY PURPOSES**, if it is proven they were occupied and cultivated as pointed out by the pre-emption law of Congress, before their location by the State. Where is the necessity for this unlimited provision, releasing all lands located for university purposes, whether heretofore claimed by individuals or not? What is the object of this wholesale temptation to fraud and perjury? The applications before you, have emanated from that highly respectable class of settlers whose rights are affected by the locations on the Niles and Notawassippi reservations, and on the Grand and Muskegon rivers. The relief asked by these claimants, should have been extended to them wherever their claims were found to be meritorious. I am anxious to afford that relief, and I regret that their rights have been jeopardized by a wholesale species of propagandism in search of adventurers to claim your public lands.

The Congress of the United States "have granted and conveyed these lands to the State, to be appropriated **SOLELY** to the **USE** and **SUPPORT** of the University of Michigan." The State has accepted these lands, and the Constitution enjoins, "that the Legislature shall take measures for their *protection* and *improvement*, and also provide means for the *permanent security* of the funds of the institution." These are the solemn conditions by which the State holds this sacred trust; and yet by one single enactment, you

place all the lands thus held in trust, in market, at \$1 25-100 per acre, no matter what their value, when located or how claimed. Yet it may be said, they are protected by the provisions of the bill from all illegal claims. What is that protection? The feeble barrier of an oath, held out with a bribe and reward for its violation by bad and wicked men. Can this be a faithful administration of the trust committed to us? Is it the appropriation of these lands *solely to the use and support of the University of Michigan*, as required by the compact with the United States, or their *protection and improvement*, as enjoined by the Constitution?

But the second section is still more fatal to this bill. You there propose to **SELL** at \$1 25-100 per acre, "**ANY** State lands of this State." What are the lands thus contemplated to be sold? Lands for the erection of public buildings, and lands attached to the State salines. These lands are donations under the propositions of Congress at the time of the admission of the State into the federal union, and were accepted by the ordinance of July 25, 1836. This ordinance is declared "*to be irrevocable without the consent of the United States,*" and by the express terms of the grant, as confirmed by the ordinance, the salt springs and lands attached "*are granted to the State for its use alone; they are to be used on such terms as the Legislature may direct, and shall NEVER BE SOLD OR leased for a longer period than ten years, WITHOUT THE CONSENT OF CONGRESS.*" It is clear then, that the bill before me is palpably unconstitutional, and cannot receive my sanction, without a reckless violation of my official oath.

By this decision, I am not unmindful of the responsibility I assume; nor am I forgetful of the wrong I may inflict on some meritorious claimant. I therefore regret that the bill is so general in its features. To a constitutional measure of relief, my sanction would be readily given. If the Legislature in their wisdom will propose a remuneration to the claimant from the general fund, either in money or by the purchase of other lands, or by any other mode which will remove the unconstitutional features of the present bill, it will be my duty to sanction it. My present objections do not arise from hostility to the claimants, but from insuperable objections to the mode pointed out by the Legislature. Every per-

sonal feeling and sympathy are with the advocates and friends of this measure. My first impulse would lead me to give it my sanction. But the convictions of my judgment and my oath, warn me to yield to no such temptations. I know the personal consequences that are to flow from this act. I am aware how little I gain and how much personally I may lose. But in the conscientious discharge of my official trust, those considerations shall never control me. I perform a duty I owe to myself, and I leave the result to a liberal and enlightened people.

S. T. MASON.

EXECUTIVE DEPARTMENT, }
April 17, 1839. }

Mr. Ormsby moved to lay it upon the table and print 500 copies.

Mr. Finney moved to amend by referring it to the committee on university and school lands; lost.

And the motion of Mr. Ormsby prevailed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "Bill to authorize the loan of a certain sum of money to the White Pigeon beet sugar company," which has passed the Senate with amendments.

Also, the "Bill to provide for regulating the terms of circuit courts in certain counties, and for other purposes," which has passed the Senate with amendments, in which the concurrence of the House of Representatives is respectfully asked.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the House concurred in the amendments made by the Senate to the "Bill authorizing a loan to the White Pigeon beet sugar company," and the same was ordered to be enrolled.

The "Bill to regulate the terms of circuit courts," being taken up, the House amended the amendment of the Senate by striking

out the words "or by default," and non-concurred in the amendment relative to the county of Oakland.

Mr. Levake then moved a reconsideration of the motion striking out the words "or by default," and the motion prevailed.

The motion was then lost by yeas and nays, as follows :

YEAS.

| | | | |
|---------------|-------------|---------------|----|
| Mr. L. Allen, | Mr. Eaton, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Levake, | Mr. Saunders, | |
| Mr. Clark, | Mr. Mack, | Mr. Sheldon, | |
| Mr. Dort, | Mr. Ormsby, | Mr. Shurts, | |
| Mr. Durocher, | Mr. Pond, | Mr. Smith, | 15 |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Acker, | Mr. Gibbs, | Mr. Meacham, | |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Near, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Newton, | |
| Mr. Brown, | Mr. Howland, | Mr. Patterson, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Pierce, | |
| Mr. Chase, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Copeland, | Mr. King, | Mr. Speaker, | |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, | |
| Mr. Decker, | Mr. Little, | Mr. Tackels, | |
| Mr. Finney, | Mr. Livermore, | Mr. Tucker, | 30 |

And the House then concurred in the amendments made by the Senate.

The Speaker announced the following message from the Executive :

EXECUTIVE DEPARTMENT, }
April 17, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the government and discipline of the State prison.

An act to incorporate the Berrien mutual insurance company.

An act to attach a certain tract of country to Ottawa county.

An act amendatory of part 1, title 7, chapter 1, of the Revised Statutes, relative to the inspection of provisions.

An act to increase the capital stock of the Gibraltar and Flat Rock company.

An act to amend an act entitled an act to incorporate the Grand Rapids bridge company.

An act to amend an act entitled an act to incorporate the Mechanics' society of Detroit.

An act to provide for the apportionment of a fine assessed in Berrien county, among the several school districts in said county.

And an act to organize a certain township.

S. T. MASON.

Mr. Finney moved to refer the "Bill for the relief of settlers on university and school lands," to the select committee who reported the same, and the motion was lost by the following vote :

YEAS.

| | | |
|---------------|--------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Axford, | Mr. Grovier, | Mr. Shurts, |
| Mr. Brown, | Mr. King, | Mr. Smith, |
| Mr. Chapin, | Mr. Levake, | Mr. Speaker, |
| Mr. Chase, | Mr. Mack, | Mr. Stout, |
| Mr. Decker, | Mr. Newton, | Mr. Tackels, |
| Mr. Finney, | Mr. Pond, | |

23

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Hooker, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Pierce, |
| Mr. Clark, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Tucker, |
| Mr. Dort, | Mr. Meacham, | Mr. Wixom, |
| Mr. Durocher, | | |

25

Mr. King, from committee on enrolment, reported as correctly enrolled,

"A bill to authorize the loan of a certain sum of money to the White Pigeon beet sugar company."

The House then took up the appropriation bill for 1839, being the unfinished business of the morning.

Mr. Mack moved to insert "and to E. J. Roberts the sum of 132 dollars for clerk hire;" lost.

Mr. Mack then moved to strike out in line 63, section 1, the words "thirty five," and insert therein "sixty two;" lost.

Mr. Bacon moved to insert in line 24, after Geo. R. Griswold, the names of John S. Bagg and Geo. L. Whitney; carried.

Mr. Adam moved to fill blank in line 54, section 1, with 72; adopted by yeas and nays, as follows:

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Pond, |
| Mr. Chase, | Mr. King, | Mr. Saunders, |
| Mr. Clark, | Mr. Levake, | Mr. Seeley, |
| Mr. Dort, | Mr. Little, | Mr. Sheldon, |
| Mr. Durocher, | Mr. Livermore, | Mr. Shurts, |
| Mr. Eaton, | Mr. Mack, | Mr. Tucker, |
| Mr. Finney, | Mr. McKee, | Mr. Wixom, |

27

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Decker, | Mr. Meacham, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Newton, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Brown, | Mr. Jennings, | Mr. Speaker, |
| Mr. Copeland, | Mr. Lowry, | Mr. Stout, |
| Mr. Davis, | | |

19

The bill was then read a third time and passed.

On motion of Mr. Adam,

The House went into committee of the whole on the Senate "Bill to provide for the payment of certain claims," Mr. Wixom in the chair.

After spending some time thereon, the committee rose, reported the same back with sundry amendments, which the House concurred in.

Mr. Goodwin moved to strike out that portion of the bill in relation to Phoebe B. Brown; carried.

The bill was then read a third time and passed.

Mr. Renwick then called up for consideration the resolution relative to a proposed amendment to the Constitution, and the House having taken up the same,

Mr. Acker then moved a call of the House, and the motion being sustained, the roll was called, and further proceedings on the call having been suspended, the resolution was passed by the following vote :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Newton, |
| Mr. Adam, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pond, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Saunders, |
| Mr. Brown, | Mr. Levake, | Mr. Seeley, |
| Mr. Chapin, | Mr. Little, | Mr. Sheldon, |
| Mr. Clark, | Mr. Livermore, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. McKee, | Mr. Tucker, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |

36

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. A. Allen, | Mr. Finney, | Mr. King, |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Chase, | Mr. Goodwin, | Mr. Smith, |
| Mr. Decker, | Mr. Grovier, | Mr. Tackels, |
| Mr. Dort, | | |

13

Mr. Renwick offered the following joint resolution, and on his motion, the rule was suspended and the same passed :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the time for the annual payment of all money which shall become due for interest on any loan of money made by the Superintendent of public instruction, to any incorporated county for county purposes, from the common school fund, shall be deemed to be due and payable on the first day of March, in each and every succeeding year, any law to the contrary notwithstanding.

Mr. Livermore offered the following, which was laid upon the table :

Resolved, by the Senate and House of Representatives, That Messrs. King and Levake, members of this House from Mackinaw and Chippewa, be, and they are hereby allowed the per diem

pay for fifty days each, extra, over and above the time which may be allowed to them for their respective attendance at this session of the Legislature.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER,
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives "A bill supplementary to the act authorizing the building of the State penitentiary.

"A bill to amend the Revised Statutes and to supply certain omissions therein," which have passed the Senate, and the concurrence of the House is respectfully asked therein.

I am also instructed to transmit "A joint resolution relative to a distribution to members of the Legislature and others, of certain laws and documents."

A joint resolution "to extend the time for settlement with the Michigan State bank, and to increase the powers of the commissioners charged with that duty," which have passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the "Bill to extend the time for settlement with the State bank," was laid upon the table.

The "Bill supplementary to the act to provide for the discipline of State prison," was committed to committee of the whole.

The "Bill to amend the Revised Statutes and to supply certain omissions therein," was referred to the committee on the judiciary.

And the resolution in relation to distribution to members of Legislature, of certain laws and documents, was then taken up.

Mr. Adam moved to strike out "Revised Statutes," and insert "journals and documents ;" adopted.

Also the following :

SENATE CHAMBER,
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit a joint resolu-

tion in relation to the adjournment of the Legislature, this day passed by the Senate, and in which the concurrence of the House is respectfully asked.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the "act to amend an act to establish the State bank and an act supplementary thereto," was referred to committee on banks and incorporations.

And the resolution relative to the adjournment being under consideration,

Mr. Wixom moved to insert "Thursday" instead of "Friday;" lost.

Mr. Adam moved to strike out the word "Friday;" adopted.

The question then being on inserting "Monday;" it was adopted, as follows:

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Beaufait, | Mr. Finney, | Mr. Renwick, |
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Howland, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | |

26

NAYS.

| | | |
|-----------------|---------------|----------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Patterson, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Seeley, |
| Mr. Brown, | Mr. Little, | Mr. Speaker, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Fitzgerald, | Mr. Near, | Mr. Tucker, |
| Mr. Gibbs, | Mr. Newton, | Mr. Wixom, |

24

The question being on the passage of the resolution, the same was adopted, by the following vote:

YEAS.

| | | |
|---------------|---------------|------------|
| Mr. Adam, | Mr. Durocher, | Mr. Mack, |
| Mr. A. Allen, | Mr. Eaton, | Mr. McKee, |

| | | |
|---------------|-----------------|---------------|
| Mr. Beaufait, | Mr. Finney, | Mr. Pond, |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Chase, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, |
| Mr. Dort, | | |

25

NAYS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, |
| Mr. Axford, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Seeley, |
| Mr. Brown, | Mr. Little, | Mr. Speaker, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Near, | Mr. Tucker, |
| Mr. Goodwin, | Mr. Newton, | Mr. Wixom, |

24

Mr. Renwick then moved an adjournment, and the yeas and nays being demanded, the same was lost by the following vote :

YEAS.

| | | |
|-------------|---------------|--------------|
| Mr. Decker, | Mr. Jennings, | Mr. Renwick, |
| Mr. Finney, | Mr. Mack, | Mr. Stout, |
| Mr. Hooker, | Mr. Meacham, | Mr. Wixom, |

9

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Near, |
| Mr. Adam, | Mr. Eaton, | Mr. Newton, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Seeley, |
| Mr. Brown, | Mr. Howland, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Shurts, |
| Mr. Chase, | Mr. Lowry, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Copeland, | Mr. Little, | Mr. Tackels, |
| Mr. Davis, | Mr. Livermore, | Mr. Tucker, |
| Mr. Dort, | Mr. McKee, | |

38

Mr. McKee then moved to adjourn until half past 7 P. M.

On motion of Mr. Adam,

The House reconsidered the vote adopting the resolution.

And on motion of Mr. Renwick, the motion striking out Friday and inserting Monday was reconsidered.

And the question being on concurring in the resolution as adopted by the Senate, it was decided as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney. | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chase, | Mr. Grovier, | Mr. Seeley, |
| Mr. Clark, | Mr. King, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Levake, | Mr. Shurts, |
| Mr. Dort, | Mr. Little, | Mr. Smith, |
| Mr. Durocher, | Mr. Livermore, | Mr. Tackels, |
| Mr. Eaton, | Mr. Mack, | 29 |

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Speaker, |
| Mr. Brown, | Mr. Lowry, | Mr. Stout, |
| Mr. Chapin. | Mr. Meacham, | Mr. Tucker, |
| Mr. Davis, | Mr. Near, | Mr. Wixom, |
| Mr. Decker, | Mr. Patterson, | 20 |

Mr. Fitzgerald gave notice that on some future day he should ask leave to bring in a bill for the relief of settlers on university and school lands.

The House adjourned.

THURSDAY, APRIL 18.

The House met pursuant to adjournment, and on calling the roll, Messrs. Hammond and Mead were absent on account of indisposition.

Prayer by the Rev. Mr. Chaplin.

Mr. Fitzgerald, pursuant to previous notice, asked leave to introduce "A bill relative to certain university and State lands."

Mr. Adam moved a call of the House, which was lost.

And on calling the yeas and nays on the question of granting leave to Mr. Fitzgerald, to introduce said bill, the vote was as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Grovier, | Mr. Shurts, |
| Mr. Chase, | Mr. King, | Mr. Speaker, |
| Mr. Clark, | Mr. Levake, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Wixom, |
| Mr. Durocher, | | |

28

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | | |

16

The bill was then read a first and second time, and referred to the committee on university and school lands.

Mr. Mack laid upon the table the following report, and was discharged from the further consideration of the subject :

The select committee, to whom was referred a petition from sundry citizens of the city of Detroit, praying for the passage of an act, creating an office for the inspection of lumber, would respectfully report: That while they are willing to admit, that

some advantages would result to the community, by the establishment of such an office, and did time permit they would probably have reported a bill for that purpose; but the press of important business, and the short time the Legislature have to sit, renders it a duty on the part of your committee, to ask to be discharged from the further consideration thereof at the present session.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act to provide for the laying out and establishing certain State roads; and

A joint resolution relative to an amendment to the Constitution.

Mr. Gibbs, from the judiciary committee, reported the following bills, which were referred to the committee of the whole:

"A bill to amend the Revised Statutes and to supply certain omissions therein."

"A bill to authorize the Secretary of State to sell a certain number of the Revised Statutes."

The House then went into the consideration of the joint resolution relative to the appointment of commissioners to settle with the State bank, Mr. Gibbs in the chair.

Mr. Acker moved that the name of Andrew G. Hammond be stricken out, which was sustained.

Mr. Little moved to amend by inserting as follows:

Provided, That the expenses of said commissioners be paid by the bank, which was lost, and the resolution was adopted.

Mr. Pierce offered the following, which was lost:

Resolved, That the committee upon the unfinished business of this House, report without delay, what unfinished business yet remains before this House.

Mr. Hooker offered the following resolution, and

On motion of Mr. Levake, the rule was suspended, and the same being under consideration, it was,

On motion of Mr. Levake, laid upon the table:

Resolved, by the Senate and House of Representatives of the State of Michigan, That the board of internal improvement be authorized to appoint a special agent to superintend the construction of, and disburse all moneys on the Ste. Marie's ship canal, who shall give such bonds as the said board may direct.

Mr. Tucker offered the following, which was laid upon the table :

Resolved, That the second committee appointed by this House to investigate the accounts of L. S. Humphrey, one of the board of commissioners of internal improvement, be required to report forthwith.

The following messages were received from the Senate :

SENATE CHAMBER, }
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the act entitled " An act to amend an act to establish the State bank of Michigan, and an act supplementary thereto," which has passed the Senate.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the said bill was referred to the committee on banks and incorporations.

SENATE CHAMBER, }
Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill to amend an act incorporating the village of Romeo, county of Macomb, approved March 9, 1838," which has been concurred in by the Senate.

Also, the " Bill to incorporate the Dexter branch canal company," which has passed the Senate with the following amendment, as section 12 :

The Legislature shall have power to alter, amend, or repeal this act.

Also, the " Bill to authorize the county commissioners of Washtenaw county to loan money ;" concurred in by the Senate.

Also, to transmit the bill in relation to the Havre branch railroad.

Also, a joint resolution relative to a joint convention to elect State bank directors, in which the concurrence of the House of Representatives is respectfully asked.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The bill relative to internal improvement being under consideration, as amended by the Senate,

Mr. Finney moved to strike out the words "twelve hundred dollars," and insert "eighteen hundred."

Mr. Adam moved to amend the amendment by inserting "fifteen hundred."

And the question being on striking out, and the yeas and nays being called, the same was lost, as follows :

YEAS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Adam, | Mr. Levake, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Little, | Mr. Patterson, | |
| Mr. Finney, | Mr. Livermore, | Mr. Pond, | |
| Mr. Gibbs, | Mr. Mack, | Mr. Seeley, | 12 |

NAYS.

| | | | |
|---------------|-----------------|--------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Near, | |
| Mr. L. Allen, | Mr. Eaton, | Mr. Newton, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Goodwin, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Howland, | Mr. Smith, | |
| Mr. Chase, | Mr. Hooker, | Mr. Speaker, | |
| Mr. Clark, | Mr. Jennings, | Mr. Stout, | |
| Mr. Copeland, | Mr. King, | Mr. Tackels, | |
| Mr. Decker, | Mr. Lowry, | Mr. Tucker, | |
| Mr. Dort, | Mr. Meacham, | Mr. Wixom, | 33 |

The question then being on concurring in the amendment as amended, the same was concurred in.

The question then being upon concurring in the amendment to the 17th section, and the yeas and nays being called for, the same was concurred in, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Axford, | Mr. Fitzgerald, | Mr. Meacham, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Howland, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |

| | | | |
|-------------|----------------|--------------|----|
| Mr. Decker, | Mr. Levake, | Mr. Stout, | |
| Mr. Dort, | Mr. Little, | Mr. Tackels, | |
| Mr. Eaton, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Finney, | Mr. Mack, | | 32 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Pierce, | |
| Mr. Adam, | Mr. Hooker, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Jennings, | Mr. Renwick, | |
| Mr. Brown, | Mr. Near, | Mr. Tucker, | 12 |

Mr. Adam moved to re-consider the vote on the amendment made to the 14th section.

The same being re-considered,

Mr. Finney offered the following amendment, which was adopted :

" Provided, there shall not be employed on the public works more than three principal, and nine assistant engineers ;" to come in at the end of the 14th section.

Mr. Acker moved to re-consider the vote relative to the salary of commissioners, which was lost.

Mr Acker moved to amend the 24th section, as follows :

Provided, That notice shall be served upon said commissioners to appraise, or a majority of them, within ninety days after said appraisement shall be known to such claimant. Provided further, that the acting commissioner shall pay all taxable costs, in case the damages are increased by said jury ; but they shall be taxed against the person or persons so appealing, in case they are not increased ; and the court before whom the trial shall be had shall report the appraisal so made, to the next Legislature.

The question then being upon concurring in the amendment as amended, the same was concurred in, as follows, on calling the yeas and nays :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Brown, | Mr. Jennings, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Smith, |

| | | | |
|---------------|----------------|--------------|----|
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Copeland, | Mr. Little, | Mr. Stout, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Finney, | Mr. Near, | | 32 |

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Adam, | Mr. Goodwin, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Mack, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. McKee, | Mr. Wixom, | |
| Mr. Durocher, | Mr. Patterson, | | 14 |

The question then being upon the final passage of the bill, the same was passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return a " Bill to authorize the Commissioners of internal improvement to alter the location of the southern railroad between the villages of Centerville and Niles," and inform you that the Senate have passed the same.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

Also the following :

SENATE CHAMBER, }
 Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the joint resolution " In relation to contractor on third division of the central railroad," which has been concurred in by the Senate.

Also, the " Bill to legalize certain official acts of the county clerks and their deputies, and of justices of the peace," which has passed the Senate with an amendment to strike out the first section thereof.

Also, the " Bill to provide for the recording of town plats, and for vacating the same in certain cases," which has passed the Senate.

I am also instructed to transmit to the House of Representatives a "Bill relative to notaries public," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Also the following :

SENATE CHAMBER, }
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return the "Bill to amend an act entitled an act to provide for the appointment of a State printer, and to prescribe his powers and duties, approved March 3, 1837," and inform the House that they have made sundry amendments to the amendments of the House, and passed the same.

Also, to transmit a "Bill for the relief of the Detroit and Pontiac railroad company," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

Also, a "Bill for the regulation of internal improvement, and for the appointment of a board of commissioners," and inform the House, that they have passed the same with sundry amendments.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Also the following :

SENATE CHAMBER, }
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the "Bill to provide for regulating the terms of circuit courts in certain counties, and for other purposes," and respectfully inform you that the Senate do insist on their amendment "in relation to Oakland county," and have appointed Messrs. Wing, Harrington and Curtis, a committee of conference thereon.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The Speaker announced the following message from the Governor, by his secretary, Mr. S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 18, 1839, }

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

“ A joint resolution relative to the payment of a survey on the southern railroad.”

“ An act to incorporate the Adrian insurance company.”

“ A joint resolution in relation to the distribution of the revised laws and session laws.”

“ An act to provide for the payment of the expenses of the survey of a railroad from Centerville to Niles.”

“ An act to authorize the loan of a certain sum of money to the White Pigeon beet sugar company.”

“ An act to provide for the draining of swamps, marshes, and other low lands.”

S. T. MASON.

The following message was received from the Senate :

SENATE CHAMBER,
Detroit, April 17, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives,

“ An act supplementary to an act entitled an act to organize the militia,” which has passed the Senate.

Also, to transmit the “ Bill to provide for the payment of certain claims therein mentioned,” and respectfully inform you that the Senate do refuse to concur in the amendments thereto by the House of Representatives, and have appointed Messrs. Kercheval, Gordon and Cook, a committee of conference thereon.

Also, a “ Bill to organize a certain township in the county of Genesee.”

A bill entitled “ An act to legalize township meetings for the year 1839,” which has severally passed the Senate.

Also, a “ Bill concerning the apportionment of the common school and library funds and for other purposes,” and respectfully inform you that the Senate do refuse to concur in the amendments made thereto by the House.

I am also instructed to return to the House of Representatives,

the "Bill relative to township assessments and the returns thereof," in which the Senate have concurred.

Also, the joint resolution "Relative to the payment of money," which has passed the Senate, with an amendment, by inserting in the 5th line the word "hereafter," to follow the word "money."

Also, to return the joint resolution appointing Alpheus Felch U. S. Senator, which has been amended by the Senate in the words following: strike out all after the word "resolved," and insert

"By the Senate and House of Representatives of the State of Michigan, That Warner Wing be, and he is hereby declared appointed Senator, to represent this State in the Congress of the United States, for the term of six years, from and after the fourth day of March last."

All which is respectfully submitted for the concurrence of the House of Representatives.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

On the bill relative to circuit courts, the House non-concurring in the amendments of the Senate, a committee of conference was appointed thereon, consisting of Messrs. Goodwin, Adam and Acker.

The "Bill concerning the apportionment of common school and library funds and for other purposes," was referred to the committee on education.

The bill "Relative to township assessments and the returns thereof," was passed and ordered enrolled.

The bill "To legalize township meetings for the year 1839," was referred to the committee on the judiciary.

The "Bill for the relief of the Pontiac railroad company," was laid upon the table.

On the joint resolution "Relative to annual payments of school moneys," the House non-concurred in the amendments of the Senate and appointed a committee of conference thereon, consisting of Messrs. Renwick, Sheldon and Decker.

The "Bill to amend an act to incorporate the village of Romeo, in the county of Macomb," was passed and ordered enrolled.

Also, the "Bill to authorize the county commissioners of Wash-
tenaw county to loan money," was passed and ordered enrolled.

The bill relative to the Havre branch railroad, was referred to
the committee on internal improvement.

And the "joint resolution for the two houses to meet in joint
convention at four o'clock of this day, to elect directors for the
State bank," was concurred in.

And the joint resolution "Relative to contractors on the third
division of the central railroad," was passed and ordered enrolled.

And the "Bill to legalize the official acts of the county clerks
and their deputies, and of justices of the peace, and to authorize
them to administer oaths," was passed and ordered enrolled.

And the "Bill to provide for the recording of town plats and
for vacating the same in certain cases," was passed and ordered
enrolled.

And the "Bill relative to notaries public," was referred to the
committee on the judiciary.

And the bill relative to the State printer, with the amendments
of the Senate, being under consideration, the amendments of the
Senate thereto were non-concurred in, and a committee of confer-
ence appointed thereon, consisting of Messrs. Sheldon, Adam and
Howland.

And the "Bill to provide for regulating the terms of circuit
courts in certain counties and for other purposes," being under
consideration, the House recessed from their amendment thereto,
and the bill was passed and ordered enrolled.

And the "Bill to incorporate the Detroit Typographical Socie-
ty," was passed and ordered enrolled.

On motion of Mr. Goodwin,

The House adjourned.

AFTERNOON SESSION.

Half-past two o'clock, P. M.

The House met pursuant to adjournment, and on calling the
roll, were absent as in the forenoon.

Mr. King, from the committee on enrolment, reported as cor-
rectly enrolled,

An act to authorize the Commissioners of internal improvement

to alter the location of the southern railroad between the villages of Centerville and Niles.

An act relative to township assessments and the return thereof.

An act to provide for regulating the terms of circuit courts in certain counties, and for other purposes.

An act to authorize the county commissioners of Washtenaw county to loan money.

An act to authorize certain persons to administer oaths.

An act to amend an act incorporating the village of Romeo, in the county of Macomb, approved March 9, 1839, and

A joint resolution in relation to contractors on the third division of the central railroad.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act to incorporate the Detroit typographical society, and

A joint resolution authorizing the acting commissioner of the Ste. Marie's canal, to advance money, and

An act to provide for the location of the seat of justice in the county of Ottawa.

Mr. McKee from the select committee, to whom was referred the duty of inquiring into the accounts of L. S. Humphrey, acting commissioner on the southern railroad, made a report thereon, which,

On motion of Mr. Tucker, was ordered to be printed and attached to the report of the select committee, on the affairs of the board of internal improvement.

Mr. Acker, from that committee, made a further report, which was also,

On motion of Mr. Goodwin, ordered to be printed and attached to their former report.

Mr. Goodwin, from the committee on university and school lands, reported back without amendment, a bill for the relief of certain settlers upon university lands.

Mr. Smith, from the committee on the militia, reported back with amendments, a bill to amend the militia law; referred to the committee of the whole.

Mr. Fitzgerald, from the committee on banks and incorporations, reported back the bill to amend an act to establish the State

bank of Michigan with amendments ; referred to the committee of the whole.

The House then went into consideration of the resolution, as amended by the Senate, relative to the appointment of United States Senator.

Mr. Fitzgerald moved to lay the resolution on the table, which was decided as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chase, | Mr. Grovier, | Mr. Seeley, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Eaton, | Mr. Livermore, | Mr. Smith, |
| Mr. Finney, | | |

19

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Axford, | Mr. Jennings, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, |
| Mr. Brown, | Mr. Levake, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Little, | Mr. Speaker, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. McKee, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Durocher, | | |

31

Mr. Ormsby moved its indefinite postponement ; decided as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Levake, | Mr. Stout, |
| Mr. Davis, | Mr. Little, | Mr. Tucker, |
| Mr. Dort, | Mr. Meacham, | |

, 20

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Shurts, |
| Mr. Clark, | Mr. Livermore, | Mr. Smith, |
| Mr. Decker, | Mr. Mack, | Mr. Speaker, |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, 30 |

Mr. Mack moved to strike out the name of Warner Wing ; decided as follows :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. King, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Levake, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Shurts, |
| Mr. Clark, | Mr. Mack, | Mr. Smith, |
| Mr. Dort, | Mr. McKee, | Mr. Tucker, |
| Mr. Eaton, | Mr. Patterson, | Mr. Wixom, 21 |

NAYS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Near, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Newton, |
| Mr. Axford, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Grovier, | Mr. Pierce, |
| Mr. Brown, | Mr. Howland, | Mr. Renwick, |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, |
| Mr. Copeland, | Mr. Jennings, | Mr. Speaker, |
| Mr. Davis, | Mr. Lowry, | Mr. Stout, |
| Mr. Decker, | Mr. Little, | Mr. Tackels, |
| Mr. Durocher, | Mr. Meacham, | 29 |

Mr. Dort moved to strike out all after the word resolved ; decided as follows :

YEAS.

| | | |
|---------------|-------------|---------------|
| Mr. Adam, | Mr. Eaton, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Finney, | Mr. Sheldon, |

| | | | |
|---------------|----------------|-------------|----|
| Mr. Beaufait, | Mr. Lowry, | Mr. Shurts, | |
| Mr. Chase, | Mr. Levake, | Mr. Smith, | |
| Mr. Clark, | Mr. Patterson, | Mr. Stout, | |
| Mr. Dort, | Mr. Pond, | Mr. Tucker, | 18 |

NAYS.

| | | | |
|-----------------|----------------|--------------|----|
| Mr. Acker, | Mr. Gibbs, | Mr. McKee, | |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Near, | |
| Mr. Axford, | Mr. Grovier, | Mr. Newton, | |
| Mr. Bacon, | Mr. Howland, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Hooker, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Jennings, | Mr. Renwick, | |
| Mr. Copeland, | Mr. King, | Mr. Seeley, | |
| Mr. Davis, | Mr. Little, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Mack, | Mr. Wixom, | |
| Mr. Fitzgerald, | Mr. Meacham, | | 32 |

Mr. Mack moved to strike out the name of Warner Wing, and insert the name of John Biddle.

Mr. Axford moved the previous question, which was not sustained.

Mr. Fitzgerald moved that the resolution lay on the table ; decided as follows :

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Seeley, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Sheldon, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Chase, | Mr. Lowry, | Mr. Smith, | |
| Mr. Durocher, | Mr. Pond, | Mr. Wixom, | |
| Mr. Eaton, | | | 19 |

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Newton, |
| Mr. Bacon, | Mr. Jennings, | Mr. Ormsby, |
| Mr. Brown, | Mr. King, | Mr. Patterson, |
| Mr. Chapin, | Mr. Levake, | Mr. Pierce, |
| Mr. Clark, | Mr. Little, | Mr. Renwick, |
| Mr. Copeland, | Mr. Livermore, | Mr. Speaker, |

| | | |
|--------------|--------------|--------------|
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, |
| Mr. Dort, | Mr. McKee, | Mr. Tucker, |
| Mr. Goodwin, | | |

31

The question recurring on striking out the name of Warner Wing, it was lost.

Mr. Eaton moved the indefinite postponement of the resolution; it was decided as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Adam, | Mr. Eaton, | Mr. Near, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Renwick, |
| Mr. Brown, | Mr. Levake, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, |

27

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Axford, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Hooker, | Mr. Smith, |
| Mr. Clark, | Mr. King, | Mr. Speaker, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |
| Mr. Finney, | Mr. Patterson, | |

23

The following messages were received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit "rules for the government in joint convention of the Senate and House of Representatives of the State of Michigan," and inform the House that they have passed the same.

Also, to inform the House of Representatives, that *Messrs.* Harrington, Curtis and Kercheval, have been appointed a com-

mittee of conference on the bill for the appointment of a State printer.

SAMUEL YORKE AT LEE,

Secretary of Senate.

SENATE CHAMBER,
Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the " Bill for the regulation of internal improvements," &c., and respectfully inform you that the Senate refuse to concur with the amendments made by the House to their amendment, and have appointed Messrs. Kingsley, Summers and Bradford, a committee of conference thereon.

Also, to return the joint resolution relative to payment by Superintendent of Public Instruction, and respectfully inform you that the Senate refuse to recede from their amendment thereto, and have appointed Messrs. Drake, Gidley and Greenly, a committee of conference thereon.

SAM'L YORKE AT LEE,

Secretary of the Senate.

SENATE CHAMBER,
Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the " Bill to repeal the 11th section of chapter 2, title 5, part 3 of the Revised Statutes, and for other purposes," which has passed the Senate, and the concurrence of the House of Representatives is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the House having under consideration the bill for the regulation of the board of internal improvement, Messrs. Finney, Renwick and Davis, were appointed a committee of conference thereon.

The following message was received from the Senate, by their secretary, Mr. At Lee.

SENATE CHAMBER,
Detroit, April 18, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of

Representatives the "Bill to provide for the location of the seat of justice in the county of Ottawa."

Also, the "Bill to amend chapter three, title nine, part one of the Revised Statutes," which have passed the Senate, and the concurrence of the House is respectfully asked therein.

SAM'L YORKE AT LEE,

Secretary of the Senate.

On motion of Mr. Copeland,

The bill making appropriations for the State prison, was taken up, and the bill was read a third time and passed.

Mr. Finney then moved that the House take up the bill relative to location of the branches of the State bank, and the House considered the same.

Mr. McKee moved to strike out "Mount Clemens, Macomb county," and the yeas and nays being called for, the same was carried, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Adam, | Mr. Jennings, | Mr. Patterson, |
| Mr. A. Allen, | Mr. King, | Mr. Pierce, |
| Mr. Bacon, | Mr. Lowry, | Mr. Pond, |
| Mr. Brown, | Mr. Levake, | Mr. Saunders, |
| Mr. Chapin, | Mr. Little, | Mr. Seeley, |
| Mr. Clark, | Mr. Meacham, | Mr. Speaker, |
| Mr. Davis, | Mr. McKee, | Mr. Stout, |
| Mr. Dort, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Hooker, | | |

25

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Livermore, |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. Axford, | Mr. Gibbs, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, |
| Mr. Copeland, | Mr. Howland, | Mr. Wixom, |
| Mr. Decker, | | |

19

The question being on inserting "Saginaw,"

Mr. McKee moved to insert "Flint, in the county of Genesee;" lost.

Mr. Tucker moved to insert "Port Huron, in the county of St. Clair;" lost.

Mr. Levake moved to insert "Ste. Marie's, in the county of Chippewa;" lost.

Also, to insert "Mackinaw, in the county of Mackinaw;" lost.

Mr. Livermore moved to insert "Rochester, Oakland county;" lost.

Mr. Eaton moved to insert "Ypsilanti, Washtenaw county;" lost.

Mr. Brown moved to insert "Kalamazoo, Kalamazoo county;" adopted, as follows:

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Eaton, | Mr. Near, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Pond, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Beaufait, | Mr. King, | Mr. Sheldon, |
| Mr. Brown, | Mr. Lowry, | Mr. Stout, |
| Mr. Chapin, | Mr. Mack, | Mr. Tackels, |
| Mr. Decker, | Mr. McKee, | Mr. Tucker, |
| Mr. Dort, | | |

28

NAYS.

| | | |
|-----------------|----------------|----------------|
| Mr. Chase, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Clark, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, |
| Mr. Durocher, | Mr. Meacham, | Mr. Speaker, |
| Mr. Finney, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Fitzgerald, | | |

19

The question then being on striking out "Jackson," and inserting "Grand Rapids, in Kent county," as proposed by the committee, the same was lost, as follows:

YEAS.

| | | |
|---------------|---------------|-------------|
| Mr. Adam, | Mr. Dort, | Mr. Mack, |
| Mr. A. Allen, | Mr. Durocher, | Mr. Pierce, |
| Mr. Bacon, | Mr. Eaton, | Mr. Pond, |
| Mr. Beaufait, | Mr. Finney, | Mr. Seeley, |

| | | | |
|-------------|-----------------|--------------|----|
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Smith, | |
| Mr. Chase, | Mr. Grovier, | Mr. Speaker, | |
| Mr. Clark, | Mr. Little, | | 20 |

NAYS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Patterson, | |
| Mr. Axford, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Brown, | Mr. Livermore, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Meacham, | Mr. Stout, | |
| Mr. Davis, | Mr. McKee, | Mr. Tackels, | |
| Mr. Decker, | Mr. Near, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. Newton, | Mr. Wixom, | |
| Mr. Goodwin, | | | 25 |

The question being on concurring in the amendment by the committee; viz: striking out the 2nd section, it was concurred in, and the House agreed to the report of the committee in relation to the title.

Mr. Axford moved to strike out "Pontiac," and insert "Rochester."

The yeas and nays, on striking out Pontiac, stood as follows:

YEAS.

| | | | |
|-----------------|----------------|---------------|----|
| Mr. Adam, | Mr. Howland, | Mr. Pond, | |
| Mr. L. Allen, | Mr. Levake, | Mr. Renwick, | |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Stout, | |
| Mr. Finney, | Mr. McKee, | Mr. Tackels, | |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tucker, | |
| Mr. Grovier, | | | 29 |

NAYS,

| | | | |
|---------------|---------------|--------------|--|
| Mr. Acker, | Mr. Decker, | Mr. Meacham, | |
| Mr. A. Allen, | Mr. Dort, | Mr. Newton, | |
| Mr. Bacon, | Mr. Eaton, | Mr. Ormsby, | |
| Mr. Brown, | Mr. Gibbs, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, | |

| | | | |
|---------------|-------------|--------------|----|
| Mr. Clark, | Mr. Little, | Mr. Speaker, | |
| Mr. Copeland, | Mr. Mack, | Mr. Wixom, | |
| Mr. Davis, | | | 25 |

And the same was not carried.

Mr. McKee moved to strike out "Marshall;" lost.

Mr. Smith then moved to strike out "Adrian," and insert "Tecomseh."

And the motion to strike out "Adrian" was lost, as follows :

YEAS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. L. Allen, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Howland, | Mr. Sheldon, | |
| Mr. Davis, | Mr. Lowry, | Mr. Smith, | |
| Mr. Dort, | Mr. McKee, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Renwick, | | 14 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Finney, | Mr. Near, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Patterson, | |
| Mr. Bacon, | Mr. Hooker, | Mr. Pierce, | |
| Mr. Brown, | Mr. Jennings, | Mr. Pond, | |
| Mr. Chapin, | Mr. King, | Mr. Seeley, | |
| Mr. Chase, | Mr. Levake, | Mr. Stout, | |
| Mr. Clark, | Mr. Little, | Mr. Tackles, | |
| Mr. Copeland, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Decker, | Mr. Mack, | Mr. Wixom, | |
| Mr. Durocher, | Mr. Meacham, | | 25 |

Mr. Chapin moved to strike out "Kalamazoo," and insert "White Pigeon."

And the motion to strike out was lost, as follows :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Pond, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Axford, | Mr. Grovier, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Little, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Livermore, | Mr. Speaker, |
| Mr. Chase, | Mr. Meacham, | Mr. Tackels, |

| | | | |
|-------------|-------------|------------|----|
| Mr. Clark, | Mr. McKee, | Mr. Wixom, | |
| Mr. Decker, | Mr. Ormsby, | | 23 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Mack, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Near, | |
| Mr. Bacon, | Mr. Howland, | Mr. Newton, | |
| Mr. Brown, | Mr. Hooker, | Mr. Patterson, | |
| Mr. Copeland, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Davis, | Mr. King, | Mr. Renwick, | |
| Mr. Dort, | Mr. Lowry, | Mr. Stout, | |
| Mr. Durocher, | Mr. Levake, | Mr. Tucker, | |
| Mr. Eaton, | | | 25 |

Mr. Little moved to strike out "Jackson," and insert "Saginaw;" lost, as follows:

YEAS.

| | | | |
|---------------|-------------|--------------|----|
| Mr. Adam, | Mr. Finney, | Mr. Pond, | |
| Mr. Beaufait, | Mr. King, | Mr. Seeley, | |
| Mr. Chase, | Mr. Little, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, | |
| Mr. Eaton, | Mr. McKee, | | 14 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Renwick, | |
| Mr. Brown, | Mr. Howland, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Smith, | |
| Mr. Copeland, | Mr. Jennings, | Mr. Stout, | |
| Mr. Davis, | Mr. Lowry, | Mr. Tackels, | |
| Mr. Decker, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Dort, | Mr. Near, | Mr. Wixom, | 30 |

Mr. Smith offered the following, viz:

"To strike out Monroe, Niles, Adrian, Pontiac, and insert in lieu thereof, Dearbornville, Ypsilanti, St. Joseph and Mason;" lost.

Mr. Finney moved to strike out "Marshall," and insert "Grand Rapids," which was carried, as follows:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. Mack, |
| Mr. L. Allen, | Mr. Finney, | Mr. McKee, |
| Mr. Axford, | Mr. Howland, | Mr. Patterson, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pierce, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Pond, |
| Mr. Chapin, | Mr. King, | Mr. Stout, |
| Mr. Davis, | Mr. Lowry, | Mr. Tackels, |
| Mr. Dort, | Mr. Little, | Mr. Wixom, |
| Mr. Durocher, | | |

25

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Renwick, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Brown, | Mr. Grovier, | Mr. Seeley, |
| Mr. Chase, | Mr. Livermore, | Mr. Sheldon, |
| Mr. Clark, | Mr. Near, | Mr. Smith, |
| Mr. Copeland, | Mr. Newton, | Mr. Speaker, |
| Mr. Decker, | Mr. Ormsby, | Mr. Tucker, |
| Mr. Fitzgerald, | | |

22

Mr. Lowry moved an adjournment ; lost.

Mr. Livermore moved to strike out " Pontiac," and insert " Rochester."

Mr. Wixom moved to lay it on the table ; lost.

Mr. Howland moved to amend by inserting " Flint."

Mr. Newton moved an adjournment ; lost.

And the motion to strike out " Pontiac," and insert " Flint," was lost, as follows :

YEAS.

| | | |
|---------------|---------------|--------------|
| Mr. Beaufait, | Mr. Hooker, | Mr. McKee, |
| Mr. Finney, | Mr. Jennings, | Mr. Stout, |
| Mr. Howland, | Mr. Little, | Mr. Tackels, |

9

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Newton, |
| Mr. Adam, | Mr. Durocher, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pond, |
| Mr. Axford, | Mr. Goodwin, | Mr. Renwick, |

| | | |
|---------------|----------------|---------------|
| Mr. Bacon, | Mr. Grovier, | Mr. Saunders, |
| Mr. Brown, | Mr. King, | Mr. Seeley, |
| Mr. Chapin, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, |
| Mr. Clark, | Mr. Mack, | Mr. Speaker, |
| Mr. Copeland, | Mr. Meacham, | Mr. Tucker, |
| Mr. Davis, | Mr. Near, | Mr. Wixon, |
| Mr. Decker, | | |

23

On motion of Mr. Little,
The House adjourned.

FRIDAY, APRIL 19.

The House met pursuant to adjournment, and on calling the roll, Messrs. Hammond and Mead were absent on leave.

Prayer by the Rev. Mr. Chaplin.

REPORTS.

Mr. Goodwin, from the committee of conference on the "Bill to provide for the payment of certain claims therein mentioned," made a report, which was agreed to by the House, and the bill passed.

Mr. Finney, from the committee on internal improvement, made a report against concurring in the amendments of the Senate to the bill in relation to the Havre branch rail road, which the House agreed to.

Mr. Ormsby, from the committee on towns and counties, reported back a bill from the Senate "to organize a township in Genesee county," and the bill was read a third time and passed.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to provide for recording town plats, and vacating the same in certain cases."

Mr. Goodwin, pursuant to leave, introduced a "Bill to provide seals for the circuit courts of certain counties," and the rule was suspended, the bill read a third time and passed.

The House then took up the bill to provide for the location of branches of the State bank.

Mr. Wixom moved that the bill be referred back to the committee on banks and incorporations; lost.

Mr. Wixom then moved that all after the enacting clause be stricken out, and the following substituted therefor:

Sec. 1. That the board of State directors elected by the Legislature be, and they are hereby required to locate the several branches of said bank at such places within this State as in their opinion shall be for the best interest of the State, and at such times as the funds under their control will warrant; and the said State directors are hereby required to locate four of said branches within thirty days from the passage of this act.

Sec. 2. That so much of the act entitled "An act to establish the bank of the State of Michigan, and the act supplementary thereto," as requires the branches of said bank to be located by the Legislature, be, and the same is hereby repealed.

Mr. Wixom then moved that the bill and substitute lay on the table, which was lost.

And the substitute offered by Mr. Wixom did not prevail.

Mr. Livermore called up his motion of yesterday, viz: to strike out "Pontiac" and insert "Rochester," and the same was lost as follows:

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. L. Allen, | Mr. Livermore, | Mr. Renwick, |
| Mr. Axford, | Mr. Meacham, | Mr. Stout, |
| Mr. Beaufait, | Mr. Near, | Mr. Tackels, |
| Mr. Durocher, | Mr. Pierce, | Mr. Tucker, |
| Mr. Eaton, | | |

16

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Finney, | Mr. Mack, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. McKee, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Newton, |
| Mr. Brown, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, |
| Mr. Clark, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Copeland, | Mr. King, | Mr. Smith, |
| Mr. Davis, | Mr. Lowry, | Mr. Speaker, |

Mr. Decker,
Mr. Dort,

Mr. Levake,
Mr. Little,

Mr. Wixom,

33

Mr. Pierce moved to strike out "Niles, in the county of Berrien," and insert Port Huron, in the county of St. Clair."

Mr. Tackels moved to amend by inserting "Mt. Clemens, in Macomb county."

Mr. Wixom called for a division of the question.

And the motion to strike out was lost, as follows:

YEAS.

Mr. Acker,
Mr. Axford,
Mr. Davis,

Mr. Howland,
Mr. Jennings,
Mr. Lowry,

Mr. Pierce,
Mr. Tackels,
Mr. Tucker,

9

NAYS.

Mr. Adam,
Mr. A. Allen,
Mr. L. Allen,
Mr. Bacon,
Mr. Beaufait,
Mr. Brown,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Copeland,
Mr. Decker,
Mr. Dort,
Mr. Durocher,

Mr. Eaton,
Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Hooker,
Mr. King,
Mr. Little,
Mr. Livermore,
Mr. Mack,
Mr. Meacham,
Mr. McKee,

Mr. Mead,
Mr. Newton,
Mr. Ormsby,
Mr. Pond,
Mr. Renwick,
Mr. Saunders,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Speaker,
Mr. Stout,
Mr. Wixom,

38

Mr. Grovier moved to strike out the amendments made by the House, and adopt the bill as it passed the Senate.

Mr. Pond called for a division of the question.

Mr. Smith offered the following:

"That the commissioners of internal improvement be directed and required to fit upon each of the railroads of this State, a car, in which a branch of the State bank shall be located, and propelled from place to place, as circumstances may require, never remaining in one place more than two hours."

Mr. Dort moved the previous question; disagreed to as follows:

YEAS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Acker, | Mr. Copeland, | Mr. Livermore, | |
| Mr. Adam, | Mr. Dort, | Mr. Mack, | |
| Mr. L. Allen, | Mr. Durocher, | Mr. Near, | |
| Mr. Beaufait, | Mr. Eaton, | Mr. Newton, | |
| Mr. Brown, | Mr. Finney, | Mr. Patterson, | |
| Mr. Clark, | Mr. Jennings, | Mr. Stout, | 18 |

NAYS.

| | | | |
|---------------|--------------|---------------|----|
| Mr. A. Allen, | Mr. Grovier, | Mr. Pierce, | |
| Mr. Axford, | Mr. Howland, | Mr. Pond, | |
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, | |
| Mr. Chapin, | Mr. King, | Mr. Saunders, | |
| Mr. Chase, | Mr. Lowry, | Mr. Speaker, | |
| Mr. Davis, | Mr. Little, | Mr. Tackels, | |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. McKee, | Mr. Wixom, | |
| Mr. Goodwin, | Mr. Ormsby, | | 26 |

Mr. Finney moved to lay the bill on the table; not supported, and

The motion of Mr. Grovier was lost by the following vote :

YEAS.

| | | | |
|---------------|---------------|----------------|----|
| Mr. Acker, | Mr. Decker, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Durocher, | Mr. Pond, | |
| Mr. Axford, | Mr. Gibbs, | Mr. Smith, | |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Speaker, | |
| Mr. Chase, | Mr. Grovier, | Mr. Tackels, | |
| Mr. Copeland, | Mr. Howland, | Mr. Wixom, | 18 |

NAYS.

| | | | |
|-----------------|----------------|---------------|----|
| Mr. Adam, | Mr. Hooker, | Mr. McKee, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Near, | |
| Mr. Beaufait, | Mr. King, | Mr. Newton, | |
| Mr. Brown, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Chapin, | Mr. Leake, | Mr. Saunders, | |
| Mr. Clark, | Mr. Little, | Mr. Seeley, | |
| Mr. Dort, | Mr. Livermore, | Mr. Stout, | |
| Mr. Finney, | Mr. Mack, | Mr. Tucker, | |
| Mr. Fitzgerald, | Mr. Meacham, | | 26 |

Mr. Tackels moved to strike out "Monroe" and insert "Romeo."

Mr. Finney called for a division of the question, and the motion to strike out was lost, as follows :

YEAS.

| | | |
|--------------|----------------|--------------|
| Mr. Acker, | Mr. Jennings, | Mr. Pierce, |
| Mr. Axford, | Mr. Little, | Mr. Smith, |
| Mr. Goodwin, | Mr. Livermore, | Mr. Tackels, |
| Mr. Grovier, | Mr. McKee, | Mr. Tucker, |
| Mr. Howland, | | |

13

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Dort, | Mr. Meacham, |
| Mr. A. Allen, | Mr. Durocher, | Mr. Near, |
| Mr. L. Allen, | Mr. Eaton, | Mr. Newton, |
| Mr. Bacon, | Mr. Finney, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Brown, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chapin, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, |
| Mr. Copeland, | Mr. Levake, | Mr. Stout, |
| Mr. Davis, | Mr. Mack, | Mr. Wixom, |
| Mr. Decker, | | |

24

Mr. Howland moved to strike out "Adrian, in Lenawee county," and insert "Port Huron, St. Clair county;" lost.

Mr. Pond moved to strike out "Jackson," and insert "Marshall."

Mr. Howland moved to insert "Port Huron, in county of St. Clair."

On motion of Mr. Finney,

The question was divided, and the House refused to strike out "Jackson," by the following vote :

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Pond, |
| Mr. Axford, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Bacon, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Howland, | Mr. Speaker, |

| | | | |
|---------------|----------------|--------------|----|
| Mr. Chapin, | Mr. Little, | Mr. Tackels, | |
| Mr. Chase, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, | |
| Mr. Eaton, | Mr. Patterson, | | 23 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Acker, | Mr. Dort, | Mr. Meacham, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Near, | |
| Mr. L. Allen, | Mr. Fitzgerald, | Mr. Newton, | |
| Mr. Brown, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Clark, | Mr. King, | Mr. Pierce, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Saunders, | |
| Mr. Davis, | Mr. Levake, | Mr. Stout, | |
| Mr. Decker, | Mr. Mack, | | 23 |

Mr. Howland moved to strike out "Kalamazoo," and insert "Port Huron."

On motion of Mr. Renwick,

¶ The bill and amendments were laid upon the table.

Mr. Livermore moved that the bill providing for the further construction of the works of internal improvement be taken up ;
lost.

Mr. McKee moved to take up the bill to authorize the county of Genessee to pay a certain sum of money ; lost.

Mr. Sheldon, from the committee on conference, reported in favor of concurring in the Senate amendment to the bill relative to State printing, and moved that the report be concurred in.

The House refused to concur, by the following vote :

YEAS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Pierce, | |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pond, | |
| Mr. Bacon, | Mr. Meacham, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Near, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Newton, | Mr. Stout, | |
| Mr. Eaton, | Mr. Ormsby, | Mr. Tucker, | |
| Mr. Howland, | | | 19 |

NAYS.

| | | |
|---------------|--------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. McKee, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |

| | | |
|-----------------|----------------|---------------|
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Dort, | Mr. Little, | Mr. Tackels, |
| Mr. Durocher, | Mr. Livermore, | Mr. Wixom, |
| Mr. Fitzgerald, | Mr. Mack, | |

23

Mr. Adam offered the following resolution :

Resolved, (the Senate concurring) That the two Houses will forthwith meet in joint convention to elect eight directors for the State bank ; adopted.

On motion of Mr. Copeland,

The House took up the " Bill to provide for the defraying the expenses of transportation and subsistence of the State prisoners," and the same was read a third time and passed.

On motion of Mr. Adam,

The committee of the whole were discharged, and the House took up the " Bill to provide for the location of the seat of government until 1847," and the question being on the substitute,

Mr. Adam moved to fill the blank, in section 1, line 3, with the words " Ann Arbor, in the county of Washtenaw ;" lost by the following vote :

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Adam, | Mr. Howland, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Lowry, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Levake, | Mr. Speaker, |
| Mr. Gibbs, | Mr. Newton, | Mr. Wixom, |
| Mr. Goodwin, | Mr. Ormsby, | |

14

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Axford, | Mr. Durocher, | Mr. Mencham, |
| Mr. Bacon, | Mr. Eaton, | Mr. McKee, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Near, |
| Mr. Chapin, | Mr. Hooker, | Mr. Pond, |
| Mr. Chase, | Mr. King, | Mr. Saunders, |
| Mr. Clark, | Mr. Little, | Mr. Seeley, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |
| Mr. Dort, | | |

26

On motion of Mr. Livermore,
The bill was laid upon the table.

On motion of Mr. Dort,

The House took up the "Bill relative to district schools in the city of Detroit."

Mr. A. Allen moved to strike out all after "receive," in the 5th line of the 4th section; lost.

The bill was then read a third time and passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 19, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return the joint resolution in relation to a joint convention to elect bank directors, and respectfully inform you that the Senate have concurred in the same with an amendment, to strike out "forthwith," and insert "4 o'clock P. M.," in which the concurrence of the House is respectfully asked.

SAMUEL YORKE AT LEE.

Secretary of the Senate.

And the amendment of the Senate was concurred in, and the resolution as amended, was adopted.

Mr. Beaufait, pursuant to leave, introduced a "Bill to authorize the Governor of this State to present to Major Antoine Dequindre a gold medal."

Mr. Bacon moved to amend, "and also to the widow of the late Col. Snelling, deceased.

On motion of Mr. Fitzgerald,

The bill and amendments were laid on the table.

On motion of Mr. Livermore,

The house went into committee of the whole, Mr. McKee in the chair, on the "Bill to provide for the further construction of certain works of internal improvement."

After some time, the committee rose, reported progress and asked and obtained leave to sit again.

On motion of Mr. Livermore,

Resolved, That when the House adjourn it be to meet at 2 o'clock P. M.

The following communication was received from the Executive :

EXECUTIVE DEPARTMENT, }
April 19, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to provide for laying out and establishing certain roads.

A joint resolution relative to an amendment to the constitution,

A joint resolution authorizing the acting Commissioner of the St. Marie's canal to advance money ; and

An act to provide for the location of the seat of justice in the county of Ottawa.

An act to incorporate the Detroit Typographical Society.

An act to authorize the Commissioners of internal improvement to alter the location of the Southern railroad, between Centerville and Niles.

A joint resolution to extend the time of settling with the Michigan State bank.

An act to provide for regulating the terms of circuit courts in certain counties, and for other purposes.

An act to authorize the county commissioners of Washtenaw county to loan money.

A joint resolution in relation to contractors on the third division of the central railroad.

An act relative to township assessments and the returns thereof.

An act to authorize certain persons to administer oaths.

An act to amend an act incorporating the village of Romeo, in the county of Macomb, approved March 9, 1838.

An act to provide for recording town plats, and vacating the same in certain cases.

An act supplementary to an act authorizing the building of the State penitentiary.

S. T. MASON.

On motion of Mr. Goodwin,
The House adjourned.

AFTERNOON SESSION.

Two o'clock, P. M.

The House met, and on calling the roll there were absent as in the morning,

On motion of Mr. Acker,

The House went into committee of the whole, Mr. Fitzgerald in the chair, on the "Bill to amend the Revised Statutes, and supply certain omissions therein.

After some time the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. Adam,

A committee of two were appointed to inform the Senate that the House was now ready to meet them in joint convention to appoint directors of the State bank.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

"An act to incorporate the Dexter branch canal company," and,

"A joint resolution to provide for the appraisal of damages on the line of the St. Marie's ship canal."

Mr. Lowry offered the following resolution, which was adopted:

Resolved, That the State Printer be required to place before this House, the report of the committee on the investigation of the general accounts and proceedings of the board of internal improvement, without delay.

On motion of Mr. Tucker,

The bill relative to paying for the destruction of wolves, was referred to the judiciary committee.

IN JOINT CONVENTION.

4 o'clock P. M.

In pursuance of a joint resolution of the two Houses.

The Senate having proceeded to the hall of the House of Representatives, the President of the Senate announced the object of the convention to be the election of eight directors of the State Bank of Michigan, when,

Mr. Summers moved that the convention elect one director at a time.

Mr. Fitzgerald offered as an amendment,

That each member should vote for eight directors on being called, and a majority of all the votes should be necessary to a choice.

Mr. Fitzgerald withdrew his amendment, and

Mr. Adam renewed it.

And on the yeas and nays being called, the same was sustained as follows :

Senators.

YEAS.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Bradford, | Mr. Greenly, | Mr. Kingsley, | |
| Mr. Curtis, | Mr. Harrington, | Mr. McCamly, | |
| Mr. Gidley, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gordon, | Mr. Kercheval, | Mr. Wing, | 12 |

NAYS.

| | | | |
|-----------|--------------|--|---|
| Mr. Cook, | Mr. Summers, | | 3 |
|-----------|--------------|--|---|

Representatives.

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Livermore, | |
| Mr. Adam, | Mr. Finney, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Near, | |
| Mr. Bacon, | Mr. Goodwin, | Mr. Newton, | |
| Mr. Brown, | Mr. Grovier, | Mr. Ormsby, | |
| Mr. Chapin, | Mr. Howland, | Mr. Patterson, | |
| Mr. Chase, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Clark, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Copeland, | Mr. King, | Mr. Smith, | |
| Mr. Decker, | Mr. Levake, | Mr. Stout, | |
| Mr. Dort, | Mr. Little, | Mr. Tackels, | 26 |

NAYS.

| | | | |
|---------------|--------------|--------------|----|
| Mr. Axford, | Mr. McKee, | Mr. Speaker, | |
| Mr. Beaufait, | Mr. Pond, | Mr. Tucker, | |
| Mr. Eaton, | Mr. Sheldon, | Mr. Wixom, | |
| Mr. Lowry, | | | 10 |

The convention then proceeded to the election of eight directors, *viva voce*.

The secretary of the Senate calling the names of the Senators, each member rose in his place and voted as follows :

Senators.

FOR JOHN BIDDLE.

| | | | |
|-------------|---------------|-----------------|---|
| Mr. Cook, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Kingsley, | Mr. Wing, | |
| Mr. Gordon, | Mr. Summers, | | 8 |

FOR ROBERT STUART.

| | | | |
|--------------|-----------------|-----------------|----|
| Mr. Curtis, | Mr. Harrington, | Mr. Summers, | |
| Mr. Gidley, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gordon, | Mr. Kingsley, | Mr. Wing, | |
| Mr. Greenly, | | | 10 |

FOR JOHN S. BARRY.

| | | | |
|---------------|-----------------|-----------------|----|
| Mr. Bradford, | Mr. Greenly, | Mr. McCamly, | |
| Mr. Cook, | Mr. Harrington, | Mr. Summers, | |
| Mr. Curtis, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Kercheval, | Mr. Wing, | |
| Mr. Gordon, | Mr. Kingsley, | | 14 |

FOR JOHN BALL.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Bradford, | Mr. McCamly, | Mr. Summers. | 3 |
|---------------|--------------|--------------|---|

FOR A. FELCH.

| | | | |
|---------------|--------------|--|---|
| Mr. Bradford, | Mr. McCamly, | | 2 |
|---------------|--------------|--|---|

FOR B. F. H. WITHERELL.

| | | | |
|---------------|---------------|--------------|---|
| Mr. Bradford, | Mr. Greenly, | Mr. McCamly, | |
| Mr. Cook, | Mr. Hawkins, | Mr. Wing, | |
| Mr. Curtis, | Mr. Kingsley, | | 8 |

FOR S. NEWBERRY.

| | | | |
|---------------|----------------|--------------|---|
| Mr. Bradford, | Mr. Kercheval, | Mr. Summers, | 2 |
|---------------|----------------|--------------|---|

FOR A. SILVER.

| | | | |
|---------------|--------------|--|---|
| Mr. Bradford, | Mr. McCamly, | | 2 |
|---------------|--------------|--|---|

FOR E. PRITCHETTE.

| | | | |
|---------------|-----------------|--------------|---|
| Mr. Bradford, | Mr. Harrington, | Mr. McCamly, | 3 |
|---------------|-----------------|--------------|---|

FOR ZINA PITCHER.

| | | | |
|----------|------------|--------------|--|
| Mr Cook, | M. Greenly | Mr. Summers, | |
|----------|------------|--------------|--|

| | | | |
|-------------|-----------------|-----------------|---|
| Mr. Gidley, | Mr. Harrington, | Mr. Trowbridge, | |
| Mr. Gordon, | Mr. Kercheval, | Mr. Wing, | 9 |

FOR C. NOBLE.

| | | | |
|-------------|----------------|-----------------|----|
| Mr. Cook, | Mr. Greenly, | Mr. Kingsley, | |
| Mr. Curtis, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Kercheval, | Mr. Wing, | |
| Mr. Gordon, | | | 10 |

FOR G. W. JERMAIN.

| | | | |
|--------------|-----------------|---------------|---|
| Mr. Cook, | Mr. Harrington, | Mr. Kingsley, | |
| Mr. Curtis, | Mr. Hawkins, | Mr. Wing, | |
| Mr. Greenly, | Mr. Kercheval, | | 6 |

FOR EDWARD MUNDY.

| | | | |
|-------------|--------------|----------------|---|
| Mr. Cook, | Mr. Greenly, | Mr. Kercheval, | |
| Mr. Gidley, | Mr. Hawkins, | Mr. Kingsley, | 6 |

FOR E. H. LOTHROP.

| | | | |
|-------------|-----------------|-----------------|---|
| Mr. Cook, | Mr. Gordon, | Mr. Summers, | |
| Mr. Curtis, | Mr. Harrington, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. McCamly, | Mr. Wing, | 9 |

FOR D. S. LEE.

| | | | |
|-----------|--------------|--|---|
| Mr. Cook, | Mr. McCamly, | | 2 |
|-----------|--------------|--|---|

FOR JOHN PALMER.

| | | | |
|-------------|-----------------|--------------|---|
| Mr. Curtis, | Mr. Harrington, | Mr. Summers, | 2 |
|-------------|-----------------|--------------|---|

FOR W. F. BREWSTER.

| | | | |
|-------------|-----------------|--|---|
| Mr. Gidley, | Mr. Trowbridge, | | 2 |
|-------------|-----------------|--|---|

FOR WM. DRAPER.

| | | | |
|-------------|-----------------|--|---|
| Mr. Gordon, | Mr. Trowbridge, | | 2 |
|-------------|-----------------|--|---|

Representatives.

FOR JOHN BIDDLE.

| | | | |
|---------------|-----------------|----------------|--|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, | |
| Mr. Axford, | Mr. Jennings, | Mr. Pond, | |
| Mr. Bacon, | Mr. King, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Little, | Mr. Saunders, | |
| Mr. Brown, | Mr. Livermore, | Mr. Seeley, | |

| | | |
|---------------|--------------|--------------|
| Mr. Chapin, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Clark, | Mr. Levake, | Mr. Smith, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. McKee, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Durocher, | | |

43

FOR ROBERT STEWART.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Meacham, |
| Mr. Adam, | Mr. Gibbs, | Mr. Near, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |
| Mr. Axford, | Mr. Hooker, | Mr. Patterson, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. King, | Mr. Pond, |
| Mr. Chapin, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Levake, | Mr. Saunders, |
| Mr. Davis, | Mr. Little, | Mr. Seeley, |
| Mr. Decker, | Mr. Livermore, | Mr. Stout, |
| Mr. Eaton, | Mr. Mack, | Mr. Tucker, |

36

FOR JOHN S. BARRY.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Axford, | Mr. Grovier, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Pond, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Renwick, |
| Mr. Brown, | Mr. King, | Mr. Saunders, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chase, | Mr. Levake, | Mr. Sheldon, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Copeland, | Mr. Livermore, | Mr. Stout, |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, |
| Mr. Durocher, | Mr. McKee, | Mr. Wixom, |
| Mr. Eaton, | | |

46

FOR JOHN BALL.

| | | | |
|---------------|--------------|----------------|----|
| Mr. Axford, | Mr. Decker, | Mr. Livermore, | |
| Mr. Bacon, | Mr. Finney, | Mr. McKee, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Goodwin, | Mr. Wixom, | |
| Mr. Clark, | Mr. Grovier, | Mr. Speaker, | 15 |

FOR A. FELCH.

| | | | |
|---------------|---------------|----------------|---|
| Mr. Beaufait, | Mr. Durocher, | Mr. Patterson, | |
| Mr. Chase, | Mr. Finney, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Goodwin, | Mr. Speaker, | 9 |

FOR B. F. H. WITHERELL.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Acker, | Mr. Eaton, | Mr. Newton, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, | |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Pond, | |
| Mr. L. Allen, | Mr. Grovier, | Mr. Renwick, | |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, | |
| Mr. Chapin, | Mr. King, | Mr. Secley, | |
| Mr. Chase, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Levake, | Mr. Smith, | |
| Mr. Copeland, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Decker, | Mr. Mack, | Mr. Tackels, | |
| Mr. Dort, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Durocher, | | | 34 |

FOR SENECA NEWBERRY.

| | | | |
|---------------|----------------|---------------|----|
| Mr. A. Allen, | Mr. Dort, | Mr. Pond, | |
| Mr. Axford, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Chase, | Mr. Livermore, | Mr. Sheldon, | |
| Mr. Clark, | Mr. Near, | Mr. Tackles, | |
| Mr. Decker, | Mr. Patterson, | | 14 |

FOR E. PRITCHETTE.

| | | | |
|---------------|--------------|--------------|---|
| Mr. Beaufait, | Mr. Finney, | Mr. McKee, | |
| Mr. Chase, | Mr. Goodwin, | Mr. Speaker, | 6 |

FOR ZINA FITCHER.

| | | | |
|---------------|--------------|----------------|--|
| Mr. Acker, | Mr. Goodwin, | Mr. Newton, | |
| Mr. Adam, | Mr. Grovier, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Patterson, | |

| | | |
|-----------------|---------------|---------------|
| Mr. Bacon, | Mr. Hooker, | Mr. Renwick, |
| Mr. Brown, | Mr. Jennings, | Mr. Saunders, |
| Mr. Chapin, | Mr. King, | Mr. Seeley, |
| Mr. Copeland, | Mr. Lowry, | Mr. Smith, |
| Mr. Decker, | Mr. Levake, | Mr. Stout, |
| Mr. Durocher, | Mr. Little, | Mr. Tackels, |
| Mr. Eaton, | Mr. Mack, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Meacham, | Mr. Wixom, |
| Mr. Gibbs, | Mr. Near, | |

35

FOR C. NOBLE.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. Adam, | Mr. Hooker, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. L. Allen, | Mr. King, | Mr. Pond, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Chapin, | Mr. Levake, | Mr. Saunders, |
| Mr. Copeland, | Mr. Little, | Mr. Seeley, |
| Mr. Davis, | Mr. Livermore, | Mr. Smith, |
| Mr. Dort, | Mr. Mack, | Mr. Stout, |
| Mr. Durocher, | Mr. Meacham, | Mr. Tackels, |
| Mr. Eaton, | Mr. Near, | Mr. Tucker, |
| Mr. Fitzgerald, | Mr. Newton, | Mr. Wixom, |
| Mr. Gibbs, | | |

37

FOR G. W. JERMAIN.

| | | |
|-----------------|----------------|----------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. Adam, | Mr. Hooker, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. King, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pond, |
| Mr. Bacon, | Mr. Levake, | Mr. Renwick, |
| Mr. Chapin, | Mr. Little, | Mr. Saunders, |
| Mr. Copeland, | Mr. Livermore, | Mr. Seeley, |
| Mr. Durocher, | Mr. Mack, | Mr. Smith, |
| Mr. Eaton, | Mr. Meacham, | Mr. Stout, |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Tackels, |
| Mr. Gibbs, | Mr. Near, | Mr. Wixom, |
| Mr. Grovier, | | |

34

FOR EDWARD MUNDY.

| | | |
|------------|-------------|-------------|
| Mr. Acker, | Mr. Decker, | Mr. Little, |
|------------|-------------|-------------|

| | | | |
|---------------------|-----------------|--------------|----|
| Mr. Adam, | Mr. Dort, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Durocher, | Mr. McKee, | |
| Mr. Axford, | Mr. Eaton, | Mr. Ormsby, | |
| Mr. Bacon, | Mr. Finney, | Mr. Renwick, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Seeley, | |
| Mr. Brown, | Mr. Gibbs, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Smith, | |
| Mr. Chase, | Mr. Hooker, | Mr. Speaker, | |
| Mr. Clark, | Mr. King, | Mr. Tackels, | |
| Mr. Copeland, | Mr. Levake, | Mr. Wixom, | 33 |
| FOR E. H. LOTHROP. | | | |
| Mr. Brown, | Mr. Goodwin, | Mr. Speaker, | |
| Mr. Chase, | Mr. Sheldon, | | 5 |
| FOR D. S. LEE. | | | |
| Mr. Bacon, | Mr. Finney, | Mr. Tucker, | |
| Mr. Beaufait, | Mr. Stout, | Mr. Wixom, | 6 |
| FOR JOHN PALMER. | | | |
| Mr. Clark, | Mr. Dort, | | 2 |
| FOR W. F. BREWSTER. | | | |
| Mr. Grovier, | Mr. Little, | | 2 |
| FOR E. L. FULLER. | | | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Howland, | | | 4 |
| FOR H. G. WELLS. | | | |
| Mr. Axford, | Mr. Howland, | Mr. McKee, | |
| Mr. Brown, | Mr. Jennings, | Mr. Newton, | |
| Mr. Davis, | Mr. Meacham, | Mr. Pierce, | 9 |
| FOR C. MORAN. | | | |
| Mr. Beaufait, | Mr. Finney, | Mr. Speaker, | 3 |
| FOR J. TROWBRIDGE. | | | |
| Mr. Davis, | | | 1 |
| FOR WM. DRAPER. | | | |
| Mr. Davis, | Mr. Jennings, | Mr. Pierce, | 3 |
| FOR D. G. JONES. | | | |
| Mr. Davis, | | | 1 |

| | | |
|-------------------------|-------------|---|
| FOR E. F. HASTINGS. | | |
| Mr. Howland, | | 1 |
| FOR AUGUSTUS S. PORTER. | | |
| Mr. Howland, | Mr. Pierce, | 2 |
| FOR JAMES KINGSLEY. | | |
| Mr. McKee, | | 1 |
| FOR J. HOWARD. | | |
| Mr. Near, | | 1 |
| N. BIDDLE. | | |
| Mr. Smith, | | 1 |
| G. B. COOPER. | | |
| Mr. Speaker, | | 1 |
| O. WILDER. | | |
| Mr. Stout, | | 1 |
| JOHN S. BAGG. | | |
| Mr. Tucker, | | 1 |

And John S. Barry, John Biddle, Charles Noble, Robert H. Stuart, G. W. Jermain, B. F. H. Witherell, Zina Pitcher and Edward Mundy, were duly elected as such directors.

The Speaker announced the following message from the Governor, by his secretary, S. H. Porter :

EXECUTIVE DEPARTMENT, }
April 19, 1889. }

*To the Senate and House of Representatives
of the State of Michigan, in Joint Convention :*

I hereby nominate John D. Pierce, to be Superintendent of Public Instruction.

S. T. MASON.

Mr. Drake moved an indefinite postponement.

Mr. Hawkins moved to lay it on the table ; lost, by the following vote :

Senators.

YEAS.

| | | | |
|-------------|--------------|-----------------|---|
| Mr. Drake, | Mr. Hawkins, | Mr. Trowbridge, | |
| Mr. Gidley, | Mr. Summers, | | 5 |

NAYS.

Mr. Bradford,
Mr. Cook,
Mr. Curtis,
Mr. Gordon,

Mr. Greenly,
Mr. Harrington,
Mr. Kercheval,

Mr. Kingsley,
Mr. McCamly,
Mr. Wing,

10

Representatives.

YEAS.

Mr. L. Allen,
Mr. Bacon,
Mr. Davis,
Mr. Howland,
Mr. Hooker,

Mr. Jennings,
Mr. Lowry,
Mr. Little,
Mr. Newton,

Mr. Ormsby,
Mr. Renwick,
Mr. Speaker,
Mr. Tucker,

13

NAYS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. Axford,
Mr. Beaufait,
Mr. Brown,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Copeland,
Mr. Decker,
Mr. Dort,

Mr. Eaton,
Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. King,
Mr. Livermore,
Mr. Mack,
Mr. Meacham,
Mr. McKee,

Mr. Near,
Mr. Patterson,
Mr. Pierce,
Mr. Pond,
Mr. Saunders,
Mr. Seeley,
Mr. Sheldon,
Mr. Smith,
Mr. Stout,
Mr. Tackels,
Mr. Wixom,

34

The convention then proceeded to vote on the above nomination, and the vote stood as follows :

Senators.

YEAS.

Mr. Bradford,
Mr. Cook,
Mr. Curtis,
Mr. Gordon,

Mr. Greenly,
Mr. Harrington,
Mr. Kercheval,
Mr. Kingsley,

Mr. McCamly,
Mr. Summers,
Mr. Wing,

11

NAYS.

Mr. Drake,
Mr. Gidley,

Mr. Hawkins,

Mr. Trowbridge,

4

Representatives.

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Ormsby, |
| Mr. Axford, | Mr. Finney, | Mr. Patterson, |
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Brown, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chase, | Mr. King, | Mr. Smith, |
| Mr. Clark, | Mr. Levake, | Mr. Speaker, |
| Mr. Copeland, | Mr. Little, | Mr. Stout, |
| Mr. Davis, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |
| Mr. Dort, | Mr. Meacham, | Mr. Wixom, |

39

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Howland, | Mr. Near, | Mr. Renwick, |

9

And John D. Pierce was declared duly elected Superintendent of public instruction.

And the convention adjourned.

The Speaker then called the House to order, and

On motion of Mr. Livermore,

The House adjourned until half past seven P. M.

EVENING SESSION.

Half past 7 o'clock, April 19, 1839.

The House met pursuant to adjournment.

And on the roll being called, there were absent as in the afternoon.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 19, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House the "Bill to provide the circuit courts of certain counties with seals,"

and respectfully inform you that the same has been concurred in, and passed the Senate.

Also, to transmit the accompanying joint resolution, adopted by the Senate, in relation to the Michigan State bank, in which the concurrence of the House is respectfully asked.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bill was passed and ordered to be enrolled.

And the resolution was amended by inserting "and the said commissioners are required to see that the checks are cancelled upon which the aforesaid moneys were drawn."

And the resolution as amended was passed.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER. }
Detroit, April 10, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the "Bill for the relief of Calvin C. Parks, and others," and respectfully inform you that the Senate have noncon-
curred in the amendments made thereto by the House, and that Messrs. Cook, Wing, and Kercheval, have been appointed a committee of conference thereon.

I am also instructed to inform the House, that the Senate have appointed Messrs. Curtis, Kercheval and McCamly, a second committee of conference on the subject of disagreement between the House and Senate, on the "Bill making appropriations to John S. Bagg."

I am also instructed to transmit to the House of Representatives, the "Bill to amend an act to provide for the appointment of a State printer, &c. approved March 3, 1837," and respectfully inform you that the Senate have appointed Messrs. Curtis, Drake and Cook, a second committee of conference on the subject of disagreement thereon, between the two houses.

Also, to transmit to the House the "Bill to change the June term of the supreme court of the State of Michigan, and the June term of the circuit court for Ingham county."

Also, the "Bill authorizing the Superintendent of public instruc-

tion to grant certain privileges to Elisha Doane, of Kalamazoo county," which has been concurred in with an amendment to substitute "damming" for "draining" in 3d line of section 1.

Also, the "Bill to change the name of the first Presbyterian church and society of Sharon and Bridgewater," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bill for the relief of Calvin C. Parks and others, being under consideration,

Mr. Acker moved that the House recede from their amendment, which was lost; when,

On motion of Mr. Fitzgerald,

A committee of conference, consisting of Messrs. Smith, Eaton and Near, were appointed.

And the "Bill relative to State printer" being under consideration, and the former committee of conference having failed to agree, a new committee of conference was appointed thereon, consisting of Messrs. Adam, Chapin and Brown.

And the "Bill to change the June term of the supreme court of the State of Michigan, and the June term of the circuit court for Ingham county" was read a third time, the rule being suspended, and passed, and ordered to be enrolled.

And the "Bill authorizing the Superintendent of public instruction to grant a certain privilege to Elisha Doane, of Kalamazoo county," was read a third time, passed, and ordered to be enrolled.

And the "Bill making appropriations to John S. Bagg, State printer, being under consideration, Messrs. Fitzgerald, Mack and Hooker, were appointed a committee of conference thereon.

Mr. Gibbs, from the judiciary committee, reported back the "Bill to provide for the relief of Davis Brown and others," without amendment, and the same being under consideration, the bill was,

On motion of Mr. Renwick,

Amended by striking out all after the enacting clause.

Mr. Dort moved the consideration of the bill to amend a certain section of the Revised Statutes, which was lost.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER, }
Detroit, April 19, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the "Bill regulating internal improvements, &c." and respectfully inform you that the report of the committee of conference thereon has been concurred in by the Senate.

SAM'L YORKE AT LEE,

Secretary of the Sena'e.

And the report of the committee of conference being agreed to, the bill was passed by yeas and nays, as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Durocher, | Mr. Patterson, |
| Mr. Adam, | Mr. Eaton, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Pond, |
| Mr. Axford, | Mr. Grovier, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Saunders, |
| Mr. Beaufait, | Mr. King, | Mr. Seeley, |
| Mr. Brown, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Levake, | Mr. Smith, |
| Mr. Chase, | Mr. Livermore, | Mr. Speaker, |
| Mr. Clark, | Mr. Meacham, | Mr. Tackels, |
| Mr. Copeland, | Mr. Near, | Mr. Tucker, |
| Mr. Davis, | Mr. Newton, | Mr. Wixom, |
| Mr. Decker, | Mr. Ormsby, | |

38

NAYS.

| | | |
|---------------|--------------|-------------|
| Mr. A. Allen, | Mr. Howland, | Mr. McKee, |
| Mr. Finney, | Mr. Little, | Mr. Shurts, |
| Mr. Gibbs, | | |

7

Mr. Acker moved that the committee of the whole be discharged from the further consideration of the bill to amend the Revised Statutes, and supply certain omissions therein, and that the same be taken up in the House.

Mr. Adam, from the committee of conference, made a report on the "Bill to provide for the appointment of State printer and prescribe his duties," which was concurred in, and the bill passed.

Mr. Smith, from the committee of conference on the bill for the relief of Calvin C. Parks and others, made a report thereon, which was concurred in and the bill passed.

Mr. Smith moved that the House take up the bill to amend an act to organize the militia.

The same being under consideration, Mr. Renwick moved to strike out after the enacting clause, and on calling the yeas and nays, the same was lost as follows:

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Decker, | Mr. McKee, | |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Near, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, | |
| Mr. Clark, | Mr. Jennings, | Mr. Renwick, | |
| Mr. Davis, | Mr. Lowry, | | 15 |

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Beaufait, | Mr. Gibbs, | Mr. Seeley, | |
| Mr. Chapin, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. Chase, | Mr. Little, | Mr. Shurts, | |
| Mr. Copeland, | Mr. Livermore, | Mr. Smith, | |
| Mr. Dort, | Mr. Ormsby, | Mr. Speaker, | |
| Mr. Durocher, | Mr. Patterson, | Mr. Tackels, | |
| Mr. Eaton, | Mr. Pond, | Mr. Tucker, | |
| Mr. Finney, | Mr. Saunders, | Mr. Wixom, | 24 |

Mr. Renwick moved a call of the House, and the same was sustained.

Mr. Acker moved that the sergeant-at-arms be sent after the absent members.

On motion of Mr. Goodwin, further proceedings in the call were suspended.

Mr. Goodwin moved to strike out the 3d section; carried.

Mr. Smith offered the following amendment, as an additional section.

"Every regiment shall be entitled to receive from the State treasury the same amount of money that is paid by said regiment to school libraries, for procuring colors, music, &c."

And the bill was read a third time, and the question being on the passage of the bill, the same was lost, as follows :

YEAS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Brown, | Mr. Grovier, | Mr. Sheldon, |
| Mr. Chapin, | Mr. King, | Mr. Shurts, |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, |
| Mr. Copeland, | Mr. Ormsby, | Mr. Wixom, |
| Mr. Dort, | Mr. Patterson, | |

23

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Finney, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Newton, |
| Mr. Axford, | Mr. Hooker, | Mr. Pierce, |
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Clark, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Levake, | Mr. Tackels, |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker |
| Mr. Durocher, | Mr. McKee, | |

24

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act to provide the circuit courts of certain counties with seals, and

An act authorizing the Superintendent of public instruction to grant certain privileges to Elisha Doane, of Kalamazoo county.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 19, 1889. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit the accompanying joint resolution, which has passed the Senate, and in which the concurrence of the House is respectfully asked.

SAM'L YORKE AT LEE,

Secretary of the Senate.

And the resolution was adopted by the House.

The following message was received from the Senate by their secretary, Mr. At Lee.

SENATE CHAMBER,
Detroit, April 19, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House a "Bill making appropriations for the year 1839, to defray the expenses of the government, and for other purposes," and inform the House that they have passed the same with sundry amendments.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Sundry amendments of the Senate were concurred in.

And on the question of concurring in the amendments made by the Senate to pay to the Hon. E. Mundy, the sum of seven hundred and sixty three dollars for services as acting Governor of this State in the absence of the Governor, and on calling the yeas and nays, the same was nonconcurring in as follows :

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Adam, | Mr. Eaton, | Mr. McKee, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Chapin, | Mr. Grovier, | Mr. Pond, |
| Mr. Chase, | Mr. King, | Mr. Saunders, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Dort, | Mr. Little, | Mr. Speaker, |
| Mr. Durocher, | Mr. Mack, | 20 |

NAYS.

| | | |
|-----------------|----------------|--------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Seeley, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Brown, | Mr. Livermore, | Mr. Smith, |
| Mr. Copeland, | Mr. Meacham, | Mr. Tackels, |
| Mr. Davis, | Mr. Near, | Mr. Tucker, |
| Mr. Decker, | Mr. Newton, | Mr. Wixom, |
| Mr. Fitzgerald, | | 28 |

The following communication was received from the Executive :

EXECUTIVE DEPARTMENT, }
 Detroit, April 19, 1839. }

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the payment of certain claims therein mentioned.

An act to incorporate the Dexter branch canal company.

An act to organize a certain township in the county of Genesee.

An act to provide for the assessment and collection of taxes for the year 1838, and for other purposes.

S. T. MASON.

The following message was received from the Senate by their secretary, Mr. At Lee :

SENATE CHAMBER, }
 Detroit, April 19, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit a joint resolution in relation to the adjournment of the Legislature, and inform the House that they have passed the same, and respectfully ask the concurrence of the House therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The House then went into the consideration of the Senate resolution rescinding the resolution to adjourn on the 19th and extend the time to the 20th.

Mr. Goodwin moved to amend by inserting the 22nd.

Mr. Bacon moved to amend the amendment, by inserting nine o'clock A. M. which was carried,

And on calling the yeas and nays on the amendment, the same was adopted, as follows :

YEAS.

Mr. Adam,

Mr. Finney,

Mr. Patterson,

Mr. A. Allen,

Mr. Fitzgerald,

Mr. Pond,

Mr. Axford,

Mr. Gibbs,

Mr. Saunders,

Mr. Beaufait,

Mr. Goodwin,

Mr. Seeley,

Mr. Chapin,

Mr. Grovier,

Mr. Sheldon,

Mr. Chase,

Mr. King,

Mr. Shurts,

| | | | |
|---------------|----------------|--------------|----|
| Mr. Copeland, | Mr. Levake, | Mr. Smith, | |
| Mr. Decker, | Mr. Little, | Mr. Speaker, | |
| Mr. Dort, | Mr. Livermore, | Mr. Tackels, | |
| Mr. Durocher, | Mr. Mack, | Mr. Tucker, | |
| Mr. Eaton, | Mr. McKee, | | 32 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Newton, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Ormsby, | |
| Mr. Bacon, | Mr. Lowry, | Mr. Pierce, | |
| Mr. Clark, | Mr. Meacham, | Mr. Renwick, | |
| Mr. Davis, | Mr. Near, | Mr. Wixom, | |
| Mr. Howland, | | | 16 |

The question then being on the passage of the resolution as amended, the same was adopted by yeas and nays, as follows :

YEAS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Finney, | Mr. McKee, | |
| Mr. Axford, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Saunders, | |
| Mr. Chase, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Copeland, | Mr. King, | Mr. Sheldon, | |
| Mr. Decker, | Mr. Levake, | Mr. Shurts, | |
| Mr. Dort, | Mr. Little, | Mr. Smith, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Tackels, | 30 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Lowry, | Mr. Renwick, | |
| Mr. Brown, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Clark, | Mr. Near, | Mr. Tucker, | |
| Mr. Davis, | Mr. Newton, | Mr. Wixom, | 18 |

Mr. Wixom offered the following resolution :

Resolved, That a committee of three be appointed to examine and report to the Executive in relation to the several matters contained in the reports of the committee appointed to investigate the general accounts and proceedings of the board of commissioners of internal improvement, so far as the same affects the character

of James B. Hunt as acting commissioner, and that they have power to send for persons and papers, and to sit during the recess of the Legislature.

Mr. Renwick moved to amend the resolution by inserting, "to investigate the accounts and official conduct of James B. Hunt," and striking out "in relation to the several matters contained in the report of the committee appointed to investigate the general accounts and proceedings of the board of internal improvement," which amendment was adopted.

Mr. Adam moved to amend as follows, which was amended by Mr. Mack so as to read as follows:

Resolved, That a committee of this House be appointed, consisting of three of its members, for the purpose of investigating the official conduct and accounts of James B. Hunt, during the time he has been a member of the board of internal improvement of this state, with power to send for persons and papers, to sit in the recess of the Legislature, and report their proceedings to the Governor of this State for publication, in pursuance of the request of the said James B. Hunt to that effect in a communication to this House.

And the same was adopted.

The following communication was received from the Executive:

EXECUTIVE DEPARTMENT, }
April 19, 1839.

To the House of Representatives:

I have this day approved and filed in the office of the Secretary of State,

An act to amend an act to provide for the appointment of a State printer, and to prescribe his powers and duties.

A joint resolution relative to the Michigan State bank.

S. T. MASON.

The Speaker announced the following message from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER, }
Detroit, April 19, 1839.

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to return to the House of Representatives a joint resolution relative to adjournment, and to

inform the House that the Senate have non-concurred in the amendment of the House, and have appointed Messrs. Bradford, Greenly and Curtis, a committee of conference.

SAM'L YORKE AT LEE,

Secretary of the Senate.

Mr Goodwin moved the appointment of a committee of conference.

Mr. Acker moved to recede from the amendment by them made to the resolution, which was lost.

The question being on the appointment of a committee of conference, the same was carried; and Messrs. Goodwin, Renwick and Acker, were appointed said committee.

The committee of conference appointed on the resolution to rescind the resolution for adjournment, reported in favor of adjourning on Saturday at four o'clock, which was agreed to by the House.

Mr. Sheldon laid upon the table the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Michigan, That Geo. R. Griswold and E. J. Roberts be and they are hereby appointed as State printer to the Legislature; under the act entitled an "act making provisions for the appointment of a State printer," &c. passed April 19, 1839, from and after the first day of May next.

The following message was received from the Senate by their secretary, Mr. At Lee:

SENATE CHAMBER, }
Detroit, April 19, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to inform the House of Representatives, that they have concurred with the report of the committee of conference upon the joint resolution, relative to the adjournment of the Legislature.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

The House then, on motion of Mr. Chapin, adjourned until half past eight o'clock to-morrow morning.

SATURDAY, APRIL 20.

The House met pursuant to adjournment, and on calling the roll, Messrs. Hammond and Mead were absent on leave.

Prayer by the Rev. Mr. Chaplin.

REPORTS.

Mr. Gibbs, from the judiciary committee, reported the following bills:

A bill to amend chapter third, title ninth, part first of the Revised Statutes.

Also, a bill relative to notaries public, which were respectively laid upon the table.

Mr. Mack from the committee of ways and means, laid upon the table the following report, whereupon the committee were discharged from the further consideration of the subject.

The committee of ways and means, to whom was referred a petition from the commissioners of the county of Kent, that certain State taxes for the years 1836-7, be relinquished by the State, would respectfully report: That the passage of an act, entitled "An act for the payment and collection of taxes for the year 1838, and for other purposes," has, in their opinion, superceded the necessity of any further consideration of the subject on the part of your committee, or action on the part of this Legislature. Your committee, therefore, respectfully ask to be discharged from the further consideration of said petition.

The following message was received from the Senate:

SENATE CHAMBER, }
April 19. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to transmit to the House of Representatives a joint resolution in relation to the chaplains of the Legislature, which has been adopted by the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the resolution was laid upon the table.

On motion of Mr. Acker,

The House again resumed, in committee of the whole, the con-

sideration of the bill making amendments to the Revised Statutes and supplying certain omissions therein, Mr. Fitzgerald in the chair.

After some time spent thereon, the committee rose and reported the bill back to the House with sundry amendments, which were concurred in by the House, and the bill was read a third time and passed.

The following message was received from the Senate :

SENATE CHAMBER, }
Detroit, April 19, 1839.. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to inform the House, that they have non-concurred in the amendment of the House to the joint resolution in relation to the adjournment, and they have appointed as a committee of conference, Messrs. Bradford, Curtis and Greenley.

Also, to return the bill making appropriations for the year 1839, and inform the House, that the Senate have non-concurred in the amendments of the House, and have appointed as a committee of conference, Messrs. Gidley, Woodbridge and Kercheval.

SAM'L YORKE AT LEE,

Secretary of Senate.

And, on motion of Mr. Adam, a committee of conference was appointed on the appropriation bill, consisting of Messrs. Adam, Mack and Copeland.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act to change the June term of the supreme court of the State of Michigan, and the June term of the circuit court for the county of Ingham, and

An act for the regulation of internal improvements and for the appointment of a board of commissioners.

Mr. Levake called up the resolution relative to the appointment by the board of internal improvement of a special agent, for the construction of the Ste. Marie ship canal, which was passed.

The resolution relative to pay of clergymen was then called up, and Mr. Chapin moved a suspension of the rule that the re-

solution might pass, and on calling the yeas and nays, the motion was lost, as follows :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. King, | Mr. Renwick, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Copeland, | Mr. Little, | Mr. Sheldon, |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, |
| Mr. Goodwin, | Mr. Meacham, | |

23

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. Saunders, |
| Mr. Axford, | Mr. Grovier, | Mr. Shurts, |
| Mr. Beaufait, | Mr. Levake, | Mr. Smith, |
| Mr. Chase, | Mr. Mack, | Mr. Speaker, |
| Mr. Clark, | Mr. McKee, | Mr. Tackels, |
| Mr. Decker, | Mr. Patterson, | Mr. Tucker, |
| Mr. Durocher, | Mr. Pond, | Mr. Wixom, |
| Mr. Eaton, | | |

22

Mr. Wixom called up the bill to locate the branches of the State bank, with the amendments, when the question being on the amendment offered by Mr. Wixom.

Mr. Adam moved to amend, by inserting the Senate bill, after striking out the latter part of the second section.

Mr. Brown moved the previous question, when

Mr. Wixom withdrew his amendment.

The question being on the call of the previous question, relative to the location of branches, the same was lost as follows, the yeas and nays being called :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Finney, | Mr. Mack, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. A. Allen, | Mr. King, | Mr. Newton, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Ormsby, |
| Mr. Brown, | Mr. Levake, | Mr. Patterson, |
| Mr. Copeland, | Mr. Livermore, | Mr. Shurts, |
| Mr. Dort, | | |

19

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Axford, | Mr. Goodwin, | Mr. Renwick, |
| Mr. Bacon, | Mr. Grovier, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Howland, | Mr. Seeley, |
| Mr. Chapin, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, |
| Mr. Clark, | Mr. Little, | Mr. Speaker, |
| Mr. Decker, | Mr. Meacham, | Mr. Stout, |
| Mr. Durocher, | Mr. McKee, | Mr. Tackels, |
| Mr. Eaton, | Mr. Pierce, | Mr. Tucker, |
| Mr. Gibbs, | Mr. Pond, | |

29

Mr. Adam moved that the bill lie on the table, which was sustained.

And the question of concurring in the amendment of the Senate, as reported by the committee of conference, to allow E. Mundy the salary of Governor during the absence of the Governor, and on calling the yeas and nays, the same was concurred in, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Hammond, | Mr. Seeley, |
| Mr. Clark, | Mr. King, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Dort, | Mr. Mack, | Mr. Speaker, |
| Mr. Durocher, | | |

25

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Newton, |
| Mr. L. Allen, | Mr. Howland, | Mr. Pierce, |
| Mr. Axford, | Mr. Hooker, | Mr. Renwick, |
| Mr. Bacon, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Brown, | Mr. Lowry, | Mr. Stout, |
| Mr. Davis, | Mr. Livermore, | Mr. Tackels, |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker, |
| Mr. Eaton, | Mr. Near, | Mr. Wixom, |

24

Mr. Copeland moved to reconsider the vote, and on calling the yeas and nays, the vote stood as follows :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Axford, | Mr. Lowry, | Mr. Seeley, |
| Mr. Bacon, | Mr. Little, | Mr. Sheldon, |
| Mr. Brown, | Mr. Livermore, | Mr. Shurts, |
| Mr. Copeland, | Mr. Meacham, | Mr. Speaker, |
| Mr. Davis, | Mr. McKee, | Mr. Stout, |
| Mr. Goodwin, | Mr. Near, | Mr. Tackels, |
| Mr. Hammond, | Mr. Newton, | Mr. Tucker, |
| Mr. Howland, | Mr. Ormsby, | Mr. Wixom, |

30

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Adam, | Mr. Dort, | Mr. King, |
| Mr. A. Allen, | Mr. Durocher, | Mr. Mack, |
| Mr. Beaufait, | Mr. Eaton, | Mr. Patterson, |
| Mr. Chapin, | Mr. Finney, | Mr. Pond, |
| Mr. Chase, | Mr. Fitzgerald, | Mr. Saunders, |
| Mr. Clark, | Mr. Gibbs, | Mr. Smith, |
| Mr. Decker, | Mr. Grovier, | |

20

The Speaker, (Mr. Wixom being in the chair,) moved to amend the report of the committee, by inserting the sum of five hundred dollars instead of the sum of seven hundred and fifty, which was withdrawn.

Mr. Goodwin moved to strike out and insert three hundred and fifty.

A division of the question being called for, and on the question of striking out, taken by yeas and nays, the question was decided as follows :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. Acker, | Mr. Hammond, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Howland, | Mr. Renwick, |
| Mr. Axford, | Mr. Hooker, | Mr. Seeley, |
| Mr. Bacon, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Brown, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Livermore, | Mr. Stout, |

| | | | |
|--------------|--------------|--------------|----|
| Mr. Decker, | Mr. Meacham, | Mr. Tackels, | |
| Mr. Dort, | Mr. Near, | Mr. Tucker, | |
| Mr. Eaton, | Mr. Newton, | Mr. Wixom, | |
| Mr. Goodwin, | Mr. Ormsby, | | 29 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. Little, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Mack, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. McKee, | |
| Mr. Chapin, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Chase, | Mr. Grovier, | Mr. Shurts, | |
| Mr. Copeland, | Mr. Levake, | Mr. Smith, | 18 |

Mr. Adam moved to fill the blank with seven hundred and fifty dollars.

Mr. Durocher moved a call of the House, and on calling the roll, Mr. Pond was absent.

And the vote on filling the blank with "seven hundred and fifty," stood as follows :

YEAS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. Levake, | |
| Mr. Beaufait, | Mr. Finney, | Mr. Little, | |
| Mr. Chapin, | Mr. Fitzgerald, | Mr. Mack, | |
| Mr. Chase, | Mr. Gibbs, | Mr. McKee, | |
| Mr. Clark, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Copeland, | Mr. King, | Mr. Shurts, | |
| Mr. Dort, | | | 19 |

NAYS.

| | | | |
|---------------|----------------|--------------|----|
| Mr. Acker, | Mr. Howland, | Mr. Pierce, | |
| Mr. A. Allen, | Mr. Hooker, | Mr. Renwick, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Seeley, | |
| Mr. Axford, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Bacon, | Mr. Livermore, | Mr. Smith, | |
| Mr. Brown, | Mr. Meacham, | Mr. Speaker, | |
| Mr. Decker, | Mr. Near, | Mr. Stout, | |
| Mr. Eaton, | Mr. Newton, | Mr. Tackels, | |
| Mr. Goodwin, | Mr. Ormsby, | Mr. Tucker, | |
| Mr. Hammond, | Mr. Patterson, | Mr. Wixom, | 30 |

Mr. Adam then offered to substitute the following :

"To Stevens T. Mason, seven hundred and fifty dollars, for services as agent in negotiating the loan."

Motion withdrawn.

Mr. Goodwin moved a reconsideration of the vote to strike out, which was sustained.

Mr. Adam renewed the call of the House, and the motion was sustained, and on calling the roll, Messrs. King, Davis and Tackel, were absent, and the sergeant-at-arms was sent for the absentees.

And on concurring, the vote was as follows :

YEAS.

| | | |
|---------------|-----------------|---------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Pond, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Chase, | Mr. King, | Mr. Seeley, |
| Mr. Clark, | Mr. Levake, | Mr. Shurts, |
| Mr. Copeland, | Mr. Little, | Mr. Smith, |
| Mr. Dort, | Mr. Livermore, | Mr. Speaker, |
| Mr. Eaton, | | |

22

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Pierce, |
| Mr. Axford, | Mr. Jennings, | Mr. Renwick, |
| Mr. Bacon, | Mr. Lowry, | Mr. Stout, |
| Mr. Brown, | Mr. Mencham, | Mr. Tackels, |
| Mr. Decker, | Mr. Near, | Mr. Tucker, |
| Mr. Hammond, | Mr. Newton, | Mr. Wixom, |

21

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,)
April 19th, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to amend an act relative to the appointment of State printer and to define his duties.

S. T. MASON.

Also the following :

EXECUTIVE DEPARTMENT, }
April 20, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to change the June term of the supreme court of the State of Michigan, and the June term of the circuit court for the county of Ingham.

An act to change the name of the first Presbyterian church and society of Sharon and Bridgewater.

An act authorizing the Superintendent of Public Instruction to grant certain privileges to Elisha Doane, of Kalamazoo county.

An act to provide the circuit courts of certain counties with seals.

A joint resolution in relation to contracting for wood for the use of the State.

An act for the relief of Calvin C. Parks and others.

S. T. MASON.

The bill making appropriations for 1839 was then passed.

The following message was received from the Senate :

SENATE CHAMBER, }
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the bill "To amend that chapter of the Revised Statutes entitled 'Of primary schools,'" and respectfully inform you that the same has passed the Senate with an amendment to insert the accompanying section in said bill.

SAMUEL YORKE AT LEE,

Secretary of Senate.

Also the following :

SENATE CHAMBER, }
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to return to the House of Representatives the bill "relative to primary schools in the city of Detroit," and respectfully inform you that the same has been concurred in and passed by the Senate.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the bill relative to primary schools was ordered enrolled.

And the House concurred in the amendments made to the bill to amend the chapter of the Revised Statutes "Of primary schools," and the same passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER, }
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit to the House of Representatives the bill to amend the Revised Statutes, &c., and respectfully inform you that the Senate have concurred in the amendments thereto, and further amended by striking out all after the word "attached," in the fourth line and substituting the accompanying.

Also the bill to legalize the official acts of John Dewey, &c., and the bill to repeal the charter of the Bank of Ypsilanti, which have severally been concurred in by the Senate.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And the amendments to the bill to amend the Revised Statutes and to supply certain deficiencies therein, were concurred in.

And the bill to legalize the official acts of John Dewey, was ordered enrolled.

The bill to repeal the charter of the Bank of Ypsilanti was ordered to be enrolled.

And the bill relative to justices of the peace, was referred to the committee on the judiciary.

And the House adjourned until 2 P. M.

AFTERNOON SESSION.

The House met pursuant to adjournment, and on calling the roll, the same members were present as in the forenoon.

Mr. McKee moved to take up, in committee of the whole, the bill to purchase the Detroit and Pontiac railroad.

Mr. Fitzgerald moved a call of the House, which being sustained, it was found there were twenty absentees, and the sergeant-at-arms was ordered to bring in the absentees.

On motion of Mr. Smith,

Proceedings were so far suspended on the call as to authorize the House to proceed to business.

Mr. Acker moved the reconsideration of the vote of yesterday on the bill for the relief of David Brown and others, which was sustained, and the bill passed with an amendment.

On motion of Mr. Goodwin, the following resolution was unanimously adopted :

Resolved, That the thanks of this House be given to the reverend clergy of the city of Detroit, for their prompt attendance as chaplains during the present session of the Legislature.

Mr. Mack presented a petition of sundry citizens of the city of Detroit, relative to location of railroad in Atwater street ; referred to the committee on internal improvement.

Mr. Goodwin offered a resolution relative to changing certain accounts in the Auditor General's office, from one fund to another, which, on the rule being suspended, was passed.

Mr. Mack offered a resolution authorizing the fund commissioners to contract with Austin Wales and John Van Fossen, to run cars on the central railroad, and on his motion, the rule was suspended, and the resolution being under consideration, the yeas and nays being called upon its passage, the same was adopted, as follows :

YEAS.

| | | |
|-----------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Near, |
| Mr. L. Allen, | Mr. Hooker, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Pierce, |
| Mr. Brown, | Mr. Lowry, | Mr. Renwick, |
| Mr. Chase, | Mr. Levake, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Speaker, |
| Mr. Durocher, | Mr. McKee, | Mr. Stout, |
| Mr. Fitzgerald, | | |

25

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Adam, | Mr. Gibbs, | Mr. Saunders, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Sheldon, |
| Mr. Axford, | Mr. Grovier, | Mr. Smith, |
| Mr. Chapin, | Mr. Livermore, | Mr. Tackels, |

| | | | |
|-------------|----------------|-------------|----|
| Mr. Decker, | Mr. Patterson, | Mr. Tucker, | |
| Mr. Finney, | Mr. Pond, | Mr. Wixom, | 18 |

On motion of Mr. McKee, further proceedings on the call of the House were suspended.

Mr. Sheldon called up the resolution relative to the appointment of State printer, and on the yeas and nays being called, whether the House would consider the same, it was lost, as follows:

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Hooker, | Mr. Pierce, | |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, | |
| Mr. Axford, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Brown, | Mr. Levake, | Mr. Shurts, | |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, | |
| Mr. Eaton, | Mr. Near, | Mr. Tackels, | |
| Mr. Howland, | Mr. Ormsby, | Mr. Tucker, | 21 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Adam, | Mr. Durocher, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Pond, | |
| Mr. Beaufait, | Mr. Fitzgerald, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Seeley, | |
| Mr. Chase, | Mr. Grovier, | Mr. Smith, | |
| Mr. Clark, | Mr. Little, | Mr. Speaker, | |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, | |
| Mr. Dort, | Mr. McKee, | | 23 |

Mr. McKee called up the bill for the purchase of the Pontiac railroad, and on calling the yeas and nays, whether the House would consider the same, it was sustained, as follows:

YEAS.

| | | |
|---------------|-----------------|--------------|
| Mr. Acker, | Mr. Dort, | Mr. McKee, |
| Mr. Adam, | Mr. Finney, | Mr. Near, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Ormsby, |
| Mr. Brown, | Mr. Gibbs, | Mr. Pierce, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Chase, | Mr. Levake, | Mr. Shurts, |
| Mr. Clark, | Mr. Little, | Mr. Speaker, |
| Mr. Copeland, | Mr. Mack, | Mr. Wixom, |
| Mr. Decker, | | |

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. L. Allen, | Mr. Howland, | Mr. Saunders, |
| Mr. Axford, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Smith, |
| Mr. Durocher, | Mr. Livermore, | Mr. Stout, |
| Mr. Eaton, | Mr. Patterson, | Mr. Tackles, |
| Mr. Goodwin, | Mr. Pond, | Mr. Tucker, |
| Mr. Grovier, | Mr. Renwick, | |

20

The House then went into committee of the whole on the bill.

After some time spent thereon, the committee rose and reported the same back to the House, when

Mr. Livermore moved to lay the bill on the table, which was lost.

The question then being taken upon ordering the bill to a third reading, and the yeas and nays being called, the same was sustained, as follows :

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Decker, | Mr. Meacham, |
| Mr. Adam, | Mr. Dort, | Mr. McKee, |
| Mr. A. Allen, | Mr. Finney, | Mr. Near, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Newton, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. Chase, | Mr. Lowry, | Mr. Renwick, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Copeland, | Mr. Mack, | Mr. Stout, |
| Mr. Davis, | | |

25

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. L. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, |
| Mr. Bacon, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Durocher, | Mr. King, | Mr. Speaker, |
| Mr. Eaton, | Mr. Livermore, | Mr. Tackles, |
| Mr. Fitzgerald, | Mr. Patterson, | Mr. Tucker, |
| Mr. Grovier, | Mr. Pierce, | Mr. Wixom, |

21

Mr. Wixom moved that the committee of the whole be discharged from the further consideration of a bill to legalize township meetings for the year 1839.

And the same being under consideration in the House, it was passed and ordered to be enrolled.

The House then went into committee of the whole on the bill making appropriations for works of internal improvement, Mr. McKee in the chair; after spending some time thereon, the committee rose, reported the bill back with an amendment, which the House non-concurred in.

Mr. Ormsby moved that the "Bill for the purchase of the Pontiac railroad," be appended to it by way of amendment, which was decided as follows:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Dort, | Mr. Meacham, |
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Brown, | Mr. Hammond, | Mr. Renwick, |
| Mr. Chapin, | Mr. Lowry, | Mr. Shurts, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Davis, | Mr. Mack, | Mr. Stout, |

21

NAYS.

| | | |
|-----------------|----------------|--------------|
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Pond, |
| Mr. Bacon, | Mr. Jennings, | Mr. Seeley, |
| Mr. Durocher, | Mr. King, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Livermore, | Mr. Tackels, |
| Mr. Fitzgerald, | Mr. Newton, | Mr. Tucker, |
| Mr. Goodwin, | Mr. Patterson, | |

20

Mr. Fitzgerald moved to amend section one, after the words 250,000 dollars, "50,000 dollars of which shall be expended upon the western end of said road," which was lost.

Mr. McKee moved to reduce all the amounts specified in the bill one-half; withdrawn.

Mr. Adam moved to strike out all from line twenty down to twenty-fourth line—word "level;" relative to Clinton and Kalamazoo canal; decided as follows:

YEAS.

| | | |
|------------|-------------|-------------|
| Mr. Acker, | Mr. Chapin, | Mr. Newton, |
| Mr. Adam, | Mr. Dort, | Mr. Ormsby, |

| | | | |
|---------------|--------------|---------------|----|
| Mr. L. Allen, | Mr. Hammond, | Mr. Saunders, | |
| Mr. Beaufait, | Mr. Lowry, | Mr. Smith, | |
| Mr. Brown, | Mr. Meacham, | | 14 |

NAYS.

| | | | |
|-----------------|----------------|--------------|----|
| Mr. Axford, | Mr. Goodwin, | Mr. Pierce, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Pond, | |
| Mr. Chase, | Mr. Howland, | Mr. Renwick, | |
| Mr. Clark, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Davis, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Decker, | Mr. King, | Mr. Shurts, | |
| Mr. Durocher, | Mr. Little, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Livermore, | Mr. Stout, | |
| Mr. Finney, | Mr. Mack, | Mr. Tackels, | |
| Mr. Fitzgerald, | Mr. McKee, | Mr. Tucker, | |
| Mr. Gibbs, | Mr. Patterson, | Mr. Wixom, | 33 |

Mr. Howland moved to strike out in line twenty-six, after word "expended" down to the word "laid," in line twenty-eight; lost.

Mr. Tucker offered the following amendment to the above; lost.

"The sum of one hundred and fifty thousand dollars be, and the same is hereby appropriated out of the internal improvement fund, to be laid out and expended on the northern railroad; and the acting commissioner on said road, is hereby instructed and required to expend said amount hereby appropriated in constructing a turnpike road on the track of the northern railroad, with a view at some future day to lay a railroad track upon said turnpike road, and the acting commissioner is hereby directed and required to lay out sixty-two thousand dollars of said amount between Port Huron and the village of Flint; and the sum of eighty-two thousand dollars between the village of Flint and the mouth of the Maple."

Mr. Dort moved to strike out "100" and insert "50," in the first section, line 15.

Mr. Tucker moved to strike out all after the enacting clause; lost by the following vote:

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. L. Allen, | Mr. Howland, | Mr. Renwick, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Speaker, | |
| Mr. Beaufait, | Mr. Lowry, | Mr. Tackels, | |
| Mr. Brown, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Davis, | Mr. Pierce, | | 14 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Finney, | Mr. McKee, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Newton, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Chapin, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Chase, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Clark, | Mr. Hooker, | Mr. Sheldon, | |
| Mr. Decker, | Mr. King, | Mr. Shurts, | |
| Mr. Dort, | Mr. Little, | Mr. Smith, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Stout, | |
| Mr. Eaton, | Mr. Mack, | Mr. Wixom, | 30 |

Mr. Howland moved to strike out all the appropriation to the northern railroad, the Saginaw canal, and the canal around the rapids of Grand river.

Mr. Renwick moved to lay the bill upon the table, which was carried.

And the House took a recess for one hour and a half.

EVENING SESSION.

The House met at 7 o'clock, when, on calling the roll and a quorum being present,

Mr. Ormsby moved that the appropriation bill be laid upon the table; the result was as follows:

YEAS.

| | | | |
|---------------|---------------|---------------|----|
| Mr. Acker, | Mr. Dort, | Mr. Pierce, | |
| Mr. A. Allen, | Mr. Durocher, | Mr. Renwick, | |
| Mr. L. Allen, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Axford, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Bacon, | Mr. McKee, | Mr. Stout, | |
| Mr. Beaufait, | Mr. Near, | Mr. Tackels, | |
| Mr. Brown, | Mr. Newton, | | 20 |

NAYS.

| | | | |
|-------------|----------------|--------------|----|
| Mr. Adam, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, | |
| Mr. Chase, | Mr. King, | Mr. Shurts, | |
| Mr. Clark, | Mr. Little, | Mr. Smith, | |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Gibbs, | Mr. Patterson, | Mr. Wixom, | 18 |

Mr. Acker moved a call of the House; agreed to.

And on calling the roll, Messrs. Eaton, Fitzgerald, Davis, Jennings, McKee and Tackels, were absent.

The sergeant-at-arms was sent after the absentees.

Mr. Mack, from the committee on ways and means, made the following report:

The committee of ways and means, to whom was referred the memorial of Benjamin C. Cox, relative to his claim upon the State for services rendered as an engineer upon the public work, have examined the same, and are fully convinced that without a thorough investigation of the accounts and documents in the office of the Commissioners of internal improvement, which time, at this late period of the session, will not permit them to do, it is impossible for them to form any just opinion as to the merits of his claims; they therefore ask to be discharged from the further consideration of the subject at this time.

On motion of Mr. Ormsby, further proceedings on the call were dispensed with.

The question being on striking out "\$100,000" in line 20, and inserting "50,000," in the bill for appropriations on works of internal improvement,

Mr. Little moved to amend by striking out "50 per cent on all the amounts wherever they occur;" lost.

And the motion to strike out and insert, was lost.

Mr. Hooker moved to strike out all after the 6th line, and insert a substitute therefor.

Mr. Adam moved to amend by striking out all the balance of the printed bill, excepting that in relation to the purchase of the Pontiac railroad.

And the same was decided as follows:

YEAS.

| | | |
|---------------|--------------|--------------|
| Mr. Acker, | Mr. Decker, | Mr. Near, |
| Mr. Adam, | Mr. Dort, | Mr. Newton, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Howland, | Mr. Renwick, |
| Mr. Bacon, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Beaufait, | Mr. Lowry, | Mr. Smith, |
| Mr. Chapin, | Mr. Levake, | Mr. Speaker, |
| Mr. Clark, | Mr. Little, | Mr. Tucker, |
| Mr. Copeland, | Mr. Meacham, | |

26

NAYS.

| | | |
|-----------------|----------------|---------------|
| Mr. Brown, | Mr. Grovier, | Mr. Pond, |
| Mr. Chase, | Mr. Jennings, | Mr. Saunders, |
| Mr. Durocher, | Mr. King, | Mr. Seeley, |
| Mr. Finney, | Mr. Livermore, | Mr. Shurts, |
| Mr. Fitzgerald, | Mr. Mack, | Mr. Stout, |
| Mr. Gibbs, | Mr. McKee, | Mr. Wixom, |
| Mr. Goodwin, | Mr. Patterson, | |

20

And the question being on striking out the remainder of the bill,
as proposed by Mr. Hooker, the vote stood as follows :

YEAS.

| | | |
|---------------|----------------|--------------|
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Axford, | Mr. King, | Mr. Smith, |
| Mr. Bacon, | Mr. Livermore, | Mr. Speaker, |
| Mr. Grovier, | Mr. Meacham, | Mr. Stout, |
| Mr. Howland, | Mr. Newton, | Mr. Wixom, |
| Mr. Hooker, | Mr. Patterson, | |

17

NAYS.

| | | |
|---------------|-----------------|---------------|
| Mr. Acker, | Mr. Dort, | Mr. McKee, |
| Mr. Adam, | Mr. Durocher, | Mr. Near, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Ormsby, |
| Mr. Beaufait, | Mr. Finney, | Mr. Pond, |
| Mr. Brown, | Mr. Fitzgerald, | Mr. Renwick, |
| Mr. Chapin, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Chase, | Mr. Goodwin, | Mr. Seeley, |
| Mr. Clark, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Little, | Mr. Shurts, |
| Mr. Decker, | Mr. Mack, | Mr. Tucker, |

30

Pending which, on motion of Mr. Finney, the bill was laid up on the table.

The Speaker announced the following message from the Senate :

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives a bill regulating internal improvement, which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the said bill was read a first and second time, and ordered to a third reading.

And the rule was then suspended, the bill read a third time, and the bill being under consideration,

Mr. Levake moved to amend by striking out in the 24th section the proviso, and inserting " that the commissioners shall not be appraisers on the Ste. Marie's canal," and on the calling the yeas and nays, the same was sustained, as follows :

YEAS.

| | | | |
|-----------------|----------------|----------------|----|
| Mr. A. Allen, | Mr. Gibbs, | Mr. Newton, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Patterson, | |
| Mr. Beaufait, | Mr. Hooker, | Mr. Pond, | |
| Mr. Chase, | Mr. Levake, | Mr. Seeley, | |
| Mr. Copeland, | Mr. Livermore, | Mr. Sheldon, | |
| Mr. Decker, | Mr. Mack, | Mr. Shurts, | |
| Mr. Finney, | Mr. McKee, | Mr. Smith, | |
| Mr. Fitzgerald, | Mr. Near, | Mr. Tackels, | 24 |

NAYS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. L. Allen, | Mr. Goodwin, | Mr. Ormsby, | |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, | |
| Mr. Clark, | Mr. Jennings, | Mr. Renwick, | |
| Mr. Durocher, | Mr. Lowry, | Mr. Stout, | |
| Mr. Eaton, | Mr. Little, | | 14 |

Mr. McKee offered the following, which was lost :

Provided, That if it shall be found that the salaries of any of the engineers are not sufficient to pay their necessary expenses, then the Commissioners shall pay the balance upon receiving sufficient evidence that such payment is necessary to enable such engineer to perform his official duties, provided that such engineer shall give good and sufficient security, by bond and mortgages upon unincumbered improved real estate, conditioned for the payment of the interest of the same.

Mr. Ormsby moved that the bill be read a third time ; the same was read a third time and passed, by yeas and nays, as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Patterson, |
| Mr. Adam, | Mr. Goodwin, | Mr. Pierce, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pond, |
| Mr. Axford, | Mr. Howland, | Mr. Renwick, |
| Mr. Bacon, | Mr. Hooker, | Mr. Seeley, |
| Mr. Brown, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Lowry, | Mr. Smith, |
| Mr. Chase, | Mr. Levake, | Mr. Speaker, |
| Mr. Clark, | Mr. Livermore, | Mr. Stout, |
| Mr. Copeland, | Mr. Mack, | Mr. Tackels, |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker, |
| Mr. Dort, | Mr. Near, | Mr. Wixom, |
| Mr. Durocher, | Mr. Ormsby, | |

38

NAYS.

| | | |
|-----------------|-------------|---------------|
| Mr. A. Allen, | Mr. Gibbs, | Mr. McKee, |
| Mr. Beaufait, | Mr. King, | Mr. Saunders, |
| Mr. Finney, | Mr. Little, | Mr. Shurts, |
| Mr. Fitzgerald, | | |

10

On motion of Mr. Pond,

The bill to establish a State road in the county of Branch was taken up, read a third time, on the suspension of the rule, and passed.

The following message was received from the Senate :

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House

of Representatives an act amendatory to an act "to provide for the government and discipline of the State penitentiary, and for other purposes," which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Also the following:

SENATE CHAMBER, }
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed by the Senate to transmit to the House of Representatives a joint resolution appointing E. J. Roberts State printer, which has passed the Senate, and the concurrence of the House is respectfully asked therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

And on calling the yeas and nays on the suspension of the rule, that the resolution might be considered, the same was lost, as follows:

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Mack, | |
| Mr. A. Allen, | Mr. Eaton, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Howland, | Mr. Near, | |
| Mr. Axford, | Mr. Hooker, | Mr. Newton, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Shurts, | |
| Mr. Brown, | Mr. King, | Mr. Smith, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Stout, | |
| Mr. Davis, | Mr. Levake, | Mr. Tackels, | |
| Mr. Decker, | Mr. Little, | Mr. Tucker | 27 |

NAYS.

| | | | |
|---------------|-----------------|---------------|----|
| Mr. Adam, | Mr. Fitzgerald, | Mr. Ormsby, | |
| Mr. Beaufait, | Mr. Gibbs, | Mr. Saunders, | |
| Mr. Chapin, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Clark, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Dort, | Mr. McKee, | Mr. Wixom, | 15 |

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to return to the House of Representatives the joint resolution relative to certain expenditures on the central railroad, which has been concurred in by the Senate.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

And the act to amend an act to provide for the government and discipline of the State prison was passed.

On motion of Mr. Bacon,

The bill to provide for the location of the branches of the State bank was taken up.

Mr. Finney moved to strike out the amendment made by the House.

The same was sustained by yeas and nays, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Adam, | Mr. Gibbs, | Mr. Newton, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Pierce, |
| Mr. Axford, | Mr. Howland, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Speaker, |
| Mr. Chase, | Mr. Jennings, | Mr. Tackels, |
| Mr. Copeland, | Mr. Livermore, | Mr. Tucker, |
| Mr. Decker, | Mr. Meacham, | |

26

NAYS.

| | | |
|---------------|-------------|--------------|
| Mr. Bacon, | Mr. Finney, | Mr. Pond, |
| Mr. Brown, | Mr. King, | Mr. Renwick, |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, |
| Mr. Clark, | Mr. Little, | Mr. Sheldon, |
| Mr. Davis, | Mr. Mack, | Mr. Smith, |
| Mr. Dort, | Mr. McKee, | Mr. Stout, |
| Mr. Durocher, | Mr. Newton, | Mr. Wixom, |
| Mr. Eaton, | | |

23

Mr. Stout moved to strike out "Marshall," and insert "Kalamazoo," and the vote stood as follows :

YEAS.

| | | | |
|---------------|---------------|--------------|----|
| Mr. L. Allen, | Mr. Jennings, | Mr. Near, | |
| Mr. Bacon, | Mr. King, | Mr. Newton, | |
| Mr. Brown, | Mr. Lowry, | Mr. Ormsby, | |
| Mr. Davis, | Mr. Levake, | Mr. Pierce, | |
| Mr. Dort, | Mr. Little, | Mr. Renwick, | |
| Mr. Eaton, | Mr. Mack, | Mr. Smith, | |
| Mr. Finney, | Mr. Meacham, | Mr. Stout, | 21 |

NAYS.

| | | | |
|---------------|-----------------|----------------|----|
| Mr. Acker, | Mr. Durocher, | Mr. Patterson, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Saunders, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Seeley, | |
| Mr. Beaufait, | Mr. Grovier, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Howland, | Mr. Speaker, | |
| Mr. Chase, | Mr. Hooker, | Mr. Tackels, | |
| Mr. Clark, | Mr. Livermore, | Mr. Tucker, | |
| Mr. Copeland, | Mr. McKee, | Mr. Wixom, | |
| Mr. Decker, | | | 29 |

Mr. Little moved to strike out "Mount Clemens," and insert "Saginaw;" lost, as follows:

YEAS.

| | | | |
|---------------|-------------|--------------|----|
| Mr. Beaufait, | Mr. Hooker, | Mr. Ormsby, | |
| Mr. Brown, | Mr. King, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Levake, | Mr. Smith, | |
| Mr. Clark, | Mr. Little, | Mr. Speaker, | |
| Mr. Eaton, | Mr. Mack, | Mr. Stout, | |
| Mr. Finney, | Mr. McKee, | | 17 |

NAYS.

| | | | |
|---------------|-----------------|----------------|--|
| Mr. Acker, | Mr. Durocher, | Mr. Newton, | |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Patterson, | |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Pierce, | |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Axford, | Mr. Grovier, | Mr. Saunders, | |
| Mr. Bacon, | Mr. Howland, | Mr. Seeley, | |
| Mr. Chase, | Mr. Jennings, | Mr. Sheldon, | |
| Mr. Copeland, | Mr. Lowry, | Mr. Tackels, | |

Mr. Davis,
Mr. Decker,
Mr. Dort,

Mr. Livermore,
Mr. Meacham,
Mr. Near,

Mr. Tucker,
Mr. Wixom,

22

Mr. Stout moved to strike out "Jackson," and insert "Kalama-zoo."

Mr. Finney moved to amend by inserting "Grand Rapids."

The question being on striking out, it was lost, as follows:

YEAS.

Mr. Bacon,
Mr. Beaufait,
Mr. Brown,
Mr. Chapin,
Mr. Chase,
Mr. Eaton,

Mr. Howland,
Mr. Mack,
Mr. Meacham,
Mr. McKee,
Mr. Newton,
Mr. Patterson,

Mr. Pond,
Mr. Seeley,
Mr. Smith,
Mr. Stout,
Mr. Wixom,

17

NAYS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. L. Allen,
Mr. Axford,
Mr. Copeland,
Mr. Davis,
Mr. Decker,
Mr. Dort,

Mr. Finney,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Hooker,
Mr. Jennings,
Mr. Lowry,

Mr. Livermore,
Mr. Near,
Mr. Ormsby,
Mr. Pierce,
Mr. Renwick,
Mr. Sheldon,
Mr. Speaker,
Mr. Tackels,

25

Mr. Acker then moved the previous question; lost, as follows:

YEAS.

Mr. Acker,
Mr. Adam,
Mr. A. Allen,
Mr. L. Allen,
Mr. Axford,
Mr. Copeland,
Mr. Davis,

Mr. Decker,
Mr. Fitzgerald,
Mr. Gibbs,
Mr. Goodwin,
Mr. Grovier,
Mr. Hooker,
Mr. Near,

Mr. Ormsby,
Mr. Saunders,
Mr. Seeley,
Mr. Sheldon,
Mr. Tackels,
Mr. Tucker,

29

NAYS.

Mr. Bacon,
Mr. Beaufait,
Mr. Brown,

Mr. Howland,
Mr. Jennings,
Mr. Lowry,

Mr. Patterson,
Mr. Pierce,
Mr. Pond,

| | | |
|-------------|----------------|--------------|
| Mr. Chapin, | Mr. Little, | Mr. Renwick, |
| Mr. Chase, | Mr. Livermore, | Mr. Smith, |
| Mr. Dort, | Mr. Meacham, | Mr. Speaker, |
| Mr. Eaton, | Mr. McKee, | Mr. Stout, |
| Mr. Finney, | Mr. Newton, | Mr. Wixom, |

24

Mr. Finney then moved to strike out "Jackson," and insert "Grand Rapids."

And the question being divided, viz. on striking out, it stood as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Bacon, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. Beaufait, | Mr. Howland, | Mr. Pond, |
| Mr. Brown, | Mr. Little, | Mr. Seeley, |
| Mr. Chapin, | Mr. Mack, | Mr. Smith, |
| Mr. Chase, | Mr. Meacham, | Mr. Stout, |
| Mr. Eaton, | Mr. McKee, | Mr. Wixom, |
| Mr. Finney, | Mr. Newton, | |

20

NAYS.

| | | |
|---------------|---------------|---------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Adam, | Mr. Goodwin, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Grovier, | Mr. Renwick, |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, |
| Mr. Clark, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Levake, | Mr. Tackels, |
| Mr. Decker, | Mr. Near, | Mr. Tucker, |

24

Mr. Stout moved to strike out "Ann Arbor," and insert "Grand Rapids."

Mr. Gibbs moved the previous question, and the same was sustained, by the following vote :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Near, |
| Mr. Adam, | Mr. Eaton, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Fitzgerald, | Mr. Patterson, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Pierce, |
| Mr. Axford, | Mr. Goodwin, | Mr. Saunders, |
| Mr. Clark, | Mr. Grovier, | Mr. Sheldon, |

| | | |
|---------------|-------------|--------------|
| Mr. Copeland, | Mr. Hooker, | Mr. Tackels, |
| Mr. Davis, | Mr. Levake, | Mr. Tucker, |
| Mr. Decker, | | |

85

NAYS.

| | | |
|---------------|----------------|--------------|
| Mr. Bacon, | Mr. Lowry, | Mr. Newton, |
| Mr. Chapin, | Mr. Little, | Mr. Pond, |
| Mr. Chase, | Mr. Livermore, | Mr. Renwick, |
| Mr. Finney, | Mr. Mack, | Mr. Smith, |
| Mr. Howland, | Mr. Meacham, | Mr. Speaker, |
| Mr. Jennings, | Mr. McKee, | Mr. Stout, |

18

The question then being on the passage of the bill.

Mr. Finney moved a call of the House ; lost.

Mr. Little moved to lay the bill on the table ; lost, as follows :

YEAS.

| | | |
|-------------|-------------|--------------|
| Mr. Chapin, | Mr. Little, | Mr. Renwick, |
| Mr. Finney, | Mr. McKee, | |

5

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Fitzgerald, | Mr. Near, |
| Mr. Adam, | Mr. Gibbs, | Mr. Newton, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Grovier, | Mr. Patterson, |
| Mr. Axford, | Mr. Howland, | Mr. Pierce, |
| Mr. Bacon, | Mr. Hooker, | Mr. Saunders, |
| Mr. Beaufait, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Clark, | Mr. King, | Mr. Smith, |
| Mr. Copeland, | Mr. Lowry, | Mr. Speaker, |
| Mr. Davis, | Mr. Levake, | Mr. Stout, |
| Mr. Decker, | Mr. Livermore, | Mr. Tackels, |
| Mr. Dort, | Mr. Mack, | Mr. Tucker, |
| Mr. Eaton, | | |

37

Mr. Finney moved an indefinite postponement. and the same was lost, as follows :

YEAS.

| | | |
|--------------|---------------|--------------|
| Mr. Finney, | Mr. McKee, | Mr. Speaker, |
| Mr. Howland, | Mr. Saunders, | Mr. Stout, |
| Mr. Little, | Mr. Smith, | |

6

NAYS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mack, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Axford, | Mr. Grovier, | Mr. Pierce, |
| Mr. Chapin, | Mr. Hooker, | Mr. Renwick, |
| Mr. Clark, | Mr. Jennings, | Mr. Sheldon, |
| Mr. Copeland, | Mr. King, | Mr. Tackels, |
| Mr. Davis, | Mr. Lowry, | Mr. Tucker, |
| Mr. Decker, | Mr. Levake, | Mr. Wixom, |
| Mr. Dort, | Mr. Livermore, | |

32

The question then being on the passage of the bill, it was passed, as follows :

YEAS.

| | | |
|---------------|-----------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mack, |
| Mr. Adam, | Mr. Fitzgerald, | Mr. Near, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Axford, | Mr. Grovier, | Mr. Pierce, |
| Mr. Chase, | Mr. Hooker, | Mr. Saunders, |
| Mr. Clark, | Mr. King, | Mr. Sheldon, |
| Mr. Copeland, | Mr. Lowry, | Mr. Tackels, |
| Mr. Davis, | Mr. Levake, | Mr. Tucker, |
| Mr. Decker, | Mr. Livermore, | Mr. Wixom, |
| Mr. Dort, | | |

31

NAYS.

| | | |
|--------------|---------------|--------------|
| Mr. Bacon, | Mr. Jennings, | Mr. Renwick, |
| Mr. Chapin, | Mr. Little, | Mr. Smith, |
| Mr. Finney, | Mr. McKee, | Mr. Speaker, |
| Mr. Howland, | Mr. Pond, | Mr. Stout, |

12

The following communication was received from the Executive :

EXECUTIVE DEPARTMENT, }
April 20, 1839.

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to incorporate the Genesee and Saginaw navigation company.

An act entitled an act to legalize the annual township meetings for the year 1839.

An act to legalize the late township meeting in the township of Holly, in the county of Oakland.

An act for the relief of David Brown and Samuel Clark.

An act to amend an act to incorporate the Saginaw and Genesee railroad company.

An act to legalize the official acts of John Dewey, a justice of the peace in Jackson county.

An act making appropriations to defray the expenses of the government for the year 1839, and for other purposes.

An act to amend the chapter of the Revised Statutes entitled "of primary schools."

An act to amend the Revised Statutes, and to supply certain omissions therein.

A joint resolution authorizing the State Treasurer to credit the internal improvement fund with certain moneys.

S. T. MASON.

Mr. King, from the committee on enrolment, reported as correctly enrolled,

An act relative to primary schools in the city of Detroit.

An act to repeal the charter of the bank of Ypsilanti.

And a joint resolution to authorize the State Treasurer to credit the internal improvement fund with certain moneys.

Mr. Adam offered the following resolution, which was read a third time and passed :

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Superintendent of Public Instruction be and he is hereby authorized and required to cause to be printed two thousand five hundred copies of chapter third, title eleven, part first of the Revised Statutes, as the same would read as amended since the passage of the Revised Statutes ; and it shall be the duty of said Superintendent to cause a copy of the same to be properly enveloped and addressed to the director of each school district, and to be transmitted by mail or otherwise through the clerk of the board of school inspectors of each township or

other appropriate officer, to the director of each district as aforesaid.

The following messages were received from the Executive :

EXECUTIVE DEPARTMENT, }
April 20, 1839. }

Mr. Speaker :

I am directed by the Governor to inform the House that he has approved and filed in the office of the Secretary of State,

“An act for the regulation of internal improvement, and to appoint a board of commissioners,” and that he is ready to nominate three commissioners of internal improvement, either in joint convention, or to the two houses separately, as they may determine to receive them, under the law.

S. HUMES PORTER,

Private Secretary.

EXECUTIVE DEPARTMENT, }
April 20, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act for the regulation of internal improvements and to appoint a board of commissioners.

S. T. MASON.

Mr. Adam moved the appointment of a committee of two, to inform the Senate that the House is ready to meet them in joint convention for the purpose of acting on the nominations made by the Governor, for the office of commissioners of internal improvement.

And Messrs. Adam and Tucker were appointed said committee.

On motion of Mr. Dort,

The House took up the bill to amend part three, chapter first of the Revised Statutes, which was read a third time ; and,

On motion of Mr. Levake,

The bill was laid upon the table.

Mr. Adam, from the committee appointed to wait upon the Senate, and inform them that the House would forthwith meet

them in joint convention, reported that they had performed that duty.

Mr. Wixom obtained leave to introduce a "Bill making appropriations to John S. Bagg, &c."

And the question being on suspending the rule, the same was adopted, as follows :

YEAS.

| | | |
|----------------|----------------|---------------|
| Mr. Adam, | Mr. Durocher, | Mr. McKee, |
| Mr. A. Allen, | Mr. Eaton, | Mr. Pond, |
| Mr. Axford, | Mr. Gibbs, | Mr. Saunders, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Seeley, |
| Ms. Beaufait, | Mr. Grovier, | Mr. Smith, |
| Mr. Chapin, | Mr. King, | Mr. Speaker, |
| Mr. Chase, | Mr. Levake, | Mr. Stout, |
| Mr. Clark, | Mr. Little, | Mr. Tackels, |
| Mr. Coppeland, | Mr. Livermore, | Mr. Wixom, |
| Mr. Dort, | Mr. Mack, | |

29

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Hooker, | Mr. Near, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Davis, | Mr. Lowry, | Mr. Sheldon, |
| Mr. Decker, | Mr. Meacham, | Mr. Tucker, |
| Mr. Howland, | | |

13

The committee from the Senate informed the House, that in the opinion of the Senate it was proper for the two branches to elect separately.

On motion of Mr. Finney,

A committee of two were appointed to wait upon the Executive, and inform him that the House were ready to receive nominations for commissioners of internal improvement.

Messrs. Finney and Little were appointed the committee.

The committee reported that they had discharged their duty.

The bill making appropriations to John S. Bagg was read a third time and passed.

Mr. Mack offered the following :

Resolved, That the rule requiring a two-thirds vote to authorize the action of this House upon any proposition introduced for

its consideration be and the same is hereby rescinded for the remainder of this session.

On calling the yeas and nays, the same was lost, as follows :

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Clark, | Mr. Levake, | Mr. Saunders, |
| Mr. Eaton, | Mr. Little, | Mr. Seeley, |
| Mr. Goodwin, | Mr. Mack, | Mr. Stout, |
| Mr. King, | Mr. Pond, | |

NAYS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Dort, | Mr. Near, |
| Mr. Adam, | Mr. Durocher, | Mr. Newton, |
| Mr. A. Allen, | Mr. Finney, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Axford, | Mr. Grovier, | Mr. Pierce, |
| Mr. Bacon, | Mr. Howland, | Mr. Ronwick, |
| Mr. Beaufait, | Mr. Hooker, | Mr. Sheldon, |
| Mr. Chapin, | Mr. Lowry, | Mr. Smith, |
| Mr. Copeland, | Mr. Livermore, | Mr. Speaker, |
| Mr. Davis, | Mr. Meacham, | Mr. Tackels, |
| Mr. Decker, | Mr. McKee, | Mr. Wixom, |

The following message was received from the Senate :

SENATE CHAMBER.
Detroit, April 20, 1839.

To the Speaker of the House of Representatives :

Sir: I am instructed by the Senate to transmit to the House of Representatives a joint resolution in relation to the central railroad, which they have passed, and in which the concurrence of the House is respectfully requested.

SAMUEL YORKE AT LEE,
Secretary of Senate.

On the yeas and nays being called, the same was carried as follows :

YEAS.

| | | |
|---------------|--------------|-------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Near, |
| Mr. L. Allen, | Mr. Howland, | Mr. Ormsby, |

| | | | |
|---------------|---------------|----------------|----|
| Mr. Axford, | Mr. Hooker, | Mr. Patterson, | |
| Mr. Bacon, | Mr. Jennings, | Mr. Pierce, | |
| Mr. Beaufait, | Mr. King, | Mr. Renwick, | |
| Mr. Chapin, | Mr. Lowry, | Mr. Seeley, | |
| Mr. Clark, | Mr. Levake, | Mr. Stout, | |
| Mr. Copeland, | Mr. Little, | Mr. Tackels, | |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, | |
| Mr. Decker, | Mr. McKee, | Mr. Wixom, | 30 |

NAYS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Adam, | Mr. Eaton, | Mr. Pond, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Saunders, | |
| Mr. Chase, | Mr. Gibbs, | Mr. Smith, | |
| Mr. Dort, | Mr. Livermore, | Mr. Speaker, | |
| Mr. Durocher, | Mr. Mack, | | 14 |

The following message was received from the Executive, by his private secretary :

EXECUTIVE DEPARTMENT, }
April 20, 1839. }

I hereby nominate Rix Robinson of Kent county, Levi S. Humphrey of Monroe county, and William R. Thompson of Washtenaw county, to be commissioners of internal improvement.

S. T. MASON.

And the House advised and consented to the appointment of the said persons nominated as per the above message.

FOR RIX ROBINSON.

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Eaton, | Mr. Mead, |
| Mr. Adam, | Mr. Finney, | Mr. Ormsby, |
| Mr. A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Axford, | Mr. Goodwin, | Mr. Pond, |
| Mr. Bacon, | Mr. Grovier, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Howland, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, |

| | | |
|---------------|----------------|--------------|
| Mr. Clark, | Mr. King, | Mr. Stout, |
| Mr. Copeland, | Mr. Levake, | Mr. Tackels, |
| Mr. Decker, | Mr. Little, | Mr. Tucker, |
| Mr. Dort, | Mr. Livermore, | Mr. Wixom, |
| Mr. Durocher, | Mr. Mack, | |

38

NAYS.

| | | |
|---------------|--------------|-------------|
| Mr. L. Allen, | Mr. Meacham, | Mr. Newton, |
| Mr. Lowry, | Mr. Near, | Mr. Pierce, |

6

FOR WM. E. THOMPSON.

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Adam, | Mr. Durocher, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Finney, | Mr. Patterson, |
| Mr. Axford, | Mr. Gibbs, | Mr. Pond, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Renwick, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Sheldon, |
| Mr. Clark, | Mr. Little, | Mr. Smith, |
| Mr. Copeland, | Mr. Livermore, | Mr. Speaker, |
| Mr. Decker, | Mr. Mack, | Mr. Wixom, |
| Mr. Dort, | | |

31

NAYS.

| | | |
|---------------|--------------|-------------|
| Mr. Acker, | Mr. Howland, | Mr. Newton, |
| Mr. L. Allen, | Mr. Lowry, | Mr. Pierce, |
| Mr. Davis, | Mr. Meacham, | Mr. Stout, |
| Mr. Eaton, | Mr. Near, | Mr. Tucker, |

12

FOR L. S. HUMPHREY.

YEAS.

| | | |
|---------------|--------------|----------------|
| Mr. Adam, | Mr. Finney, | Mr. Newton, |
| A. Allen, | Mr. Gibbs, | Mr. Patterson, |
| Mr. Bacon, | Mr. Goodwin, | Mr. Pond, |
| Mr. Beaufait, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chapin, | Mr. Hooker, | Mr. Seeley, |
| Mr. Chase, | Mr. King, | Mr. Smith, |
| Mr. Clark, | Mr. Little, | Mr. Speaker, |

| | | |
|---------------|----------------|------------|
| Mr. Decker, | Mr. Livermore, | Mr. Stout, |
| Mr. Durocher, | Mr. Mead, | Mr. Wixom, |
| Mr. Eaton, | | |

28

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Howland, | Mr. Ormsby, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Pierce, |
| Mr. Axford, | Mr. Lowry, | Mr. Renwick, |
| Mr. Copeland, | Mr. Mack, | Mr. Sheldon, |
| Mr. Davis, | Mr. Meacham, | Mr. Tucker, |
| Mr. Dort, | Mr. McKee, | |

17

The following message was received from the Senate :

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives a bill entitled "A bill to provide for the further construction of certain works of internal improvement," which they have passed, and respectfully ask their concurrence therein.

SAMUEL YORKE AT LEE,

Secretary of the Senate.

Mr. Chapin moved an amendment, when

Mr. Levake moved the previous question, which was lost.

Mr. Goodwin moved to amend by inserting 50,000 dollars on the St. Joseph river; 25,000 below the State line and 25,000 above; and 30,000 for the construction of the canal on Grand Rapids.

And the question being on the amendment, the same was adopted by the following vote :

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Acker, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Adam, | Mr. Goodwin, | Mr. Patterson, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, |
| Mr. Chapin, | Mr. Jennings, | Mr. Seeley, |
| Mr. Dort, | Mr. Mack, | Mr. Shurts, |

| | | |
|-----------------|--------------|--------------|
| Mr. Durocher, | Mr. Metcalf, | Mr. Smith, |
| Mr. Eaton, | Mr. McKee, | Mr. Speaker, |
| Mr. Fitzgerald, | Mr. Newton, | 26 |

NAYS.

| | | |
|------------|----------------|------------|
| Mr. Clark, | Mr. Lowry, | Mr. Stout, |
| Mr. Davis, | Mr. Livermore, | Mr. Wixom, |
| Mr. King, | Mr. Near, | 3 |

And the amendment relative to Grand river, viz: twenty-five thousand dollars, was carried.

Mr. Mack offered the following :

Out of the moneys to be expended on the Clinton and Kalamazoo canal, the commissioners of the board of internal improvement shall cause a connection to be formed between the present located eastern termination of said canal and the navigable waters of Lake St. Clair, by way of the Clinton river, by means of a towing path along the northerly bank of said river, and in such manner as the board of commissioners of internal improvement shall determine to be most for the interest of the State, provided the amount so to be expended in forming such connection, shall not exceed three thousand dollars the present season,

Which was lost.

Mr. Little offered the following, viz :

Twenty thousand dollars on the Saginaw canal.

Also the following :

Five thousand dollars for clearing out the flood-wood in Cass river.

Mr. Adam. moved to strike out "Cass," and insert "Salt;" adopted.

And the same as amended was lost.

Mr. Little moved to amend, to appropriate five thousand dollars to the Shiawassee railroad.

Mr. Renwick moved to amend, by attaching the bill to the Pontiac railroad bill ; lost.

Mr. Pond moved to strike out, and insert two hundred thousand dollars on the southern railroad ; lost.

Mr. Renwick moved to amend by ten thousand dollars to the Dexter canal company ; lost.

Mr. McKee moved as an amendment, the bill to purchase the Pontiac railroad, and it was decided as follows, on the yeas and nays being called :

YEAS.

| | | |
|-------------|-------------|--------------|
| Mr. Adam, | Mr. Dort, | Mr. Near, |
| Mr. Chapin, | Mr. Finney, | Mr. Newton, |
| Mr. Chase, | Mr. Gibbs, | Mr. Ormsby, |
| Mr. Clark, | Mr. Little, | Mr. Shurts, |
| Mr. Davis, | Mr. Mack, | Mr. Speaker, |
| Mr. Decker, | Mr. McKee, | Mr. Stout, |
| | | 18 |

NAYS.

| | | |
|---------------|----------------|---------------|
| Mr. Acker, | Mr. Hooker, | Mr. Pond, |
| Mr. L. Allen, | Mr. Jennings, | Mr. Renwick, |
| Mr. Axford, | Mr. King, | Mr. Saunders, |
| Mr. Bacon, | Mr. Lowry, | Mr. Seeley, |
| Mr. Durocher, | Mr. Levake, | Mr. Sheldon, |
| Mr. Eaton, | Mr. Livermore, | Mr. Smith, |
| Mr. Goodwin, | Mr. Meacham, | Mr. Tackels, |
| Mr. Grovier, | Mr. Patterson, | Mr. Tucker, |
| Mr. Howland, | Mr. Pierce, | Mr. Wixom, |
| | | 27 |

Mr. McKee called up the bill for the relief of the Detroit and Pontiac railroad company, when the bill was read a third time and passed.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to inform the House of Representatives that the Senate have advised and consented to the nomination by the Governor of Rix Robinson, Levi S. Humphrey and William R. Thompson, as Commissioners of internal improvement, under the act of 1839.

SAM'L YORKE AT LEE,
Secretary of the Senate.

Mr. Finney moved to call up the bill in relation to settlers on university lands, and the result was as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Adam, | Mr. Gibbs, | Mr. McKee, |
| Mr. A. Allen, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Chapin, | Mr. Grovier, | Mr. Saunders, |
| Mr. Chase, | Mr. Hooker, | Mr. Smith, |
| Mr. Decker, | Mr. Livermore, | Mr. Speaker, |
| Mr. Durocher, | Mr. Mack, | Mr. Stout, |
| Mr. Finney, | Mr. Meacham, | Mr. Wixom, |

21

NAYS.

| | | |
|---------------|---------------|--------------|
| Mr. Acker, | Mr. Jennings, | Mr. Newton, |
| Mr. L. Allen, | Mr. King, | Mr. Ormsby, |
| Mr. Bacon, | Mr. Lowry, | Mr. Pierce, |
| Mr. Clark, | Mr. Levake, | Mr. Renwick, |
| Mr. Davis, | Mr. Little, | Mr. Seeley, |
| Mr. Dort, | Mr. Near, | Mr. Tucker, |
| Mr. Howland, | | |

19

The same being under consideration, it was unanimously passed.

Mr. Renwick moved the indefinite postponement of the settlers' bill, which was decided by yeas and nays as follows :

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Jennings, | Mr. Meacham, |
| Mr. A. Allen, | Mr. King, | Mr. Near, |
| Mr. Clark, | Mr. Lowry, | Mr. Newton, |
| Mr. Davis, | Mr. Levake, | Mr. Ormsby, |
| Mr. Dort, | Mr. Little, | Mr. Patterson, |
| Mr. Howland, | Mr. Livermore, | Mr. Renwick, |
| Mr. Hooker, | | |

19

NAYS.

| | | |
|-------------|--------------|-------------|
| Mr. Adam, | Mr. Finney, | Mr. McKee, |
| Mr. Bacon, | Mr. Gibbs, | Mr. Pond, |
| Mr. Chapin, | Mr. Goodwin, | Mr. Tucker, |
| Mr. Chase, | Mr. Grovier, | Mr. Wixom, |
| Mr. Decker, | | |

18

The question being on the final passage of the internal improvement bill, and the yeas and nays being called, it was passed, as follows:

YEAS.

| | | |
|---------------|----------------|----------------|
| Mr. Acker, | Mr. Goodwin, | Mr. Patterson, |
| Mr. Adam, | Mr. Grovier, | Mr. Pierce, |
| Mr. A. Allen, | Mr. Howland, | Mr. Pond, |
| Mr. Axford, | Mr. Hooker, | Mr. Saunders, |
| Mr. Bacon, | Mr. Jennings, | Mr. Seeley, |
| Mr. Chapin, | Mr. King, | Mr. Shurtz, |
| Mr. Chase, | Mr. Levake, | Mr. Smith, |
| Mr. Clark, | Mr. Livermore, | Mr. Stout, |
| Mr. Dort, | Mr. Mack, | Mr. Tackels, |
| Mr. Finney, | Mr. Meacham, | Mr. Wixom, |
| Mr. Gibbs, | | |

31

NAYS.

| | | |
|---------------|-------------|--------------|
| Mr. L. Allen, | Mr. Lowry, | Mr. Newton, |
| Mr. Davis, | Mr. Little, | Mr. Ormsby, |
| Mr. Decker, | Mr. McKee, | Mr. Benwick, |
| Mr. Eaton, | Mr. Near, | Mr. Speaker, |

12

The following message was received from the Senate, by their secretary, Mr. At Lee:

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives:

Sir: I am instructed to inform the House of Representatives that the Senate have non-concurred in the amendment of the House to the bill to provide for the further construction of certain works of internal improvement, relative to St. Joseph river, and concurred in the amendment relative to Grand Rapids canal.

SAMUEL YORKE AT LEE.

Secretary of the Senate.

Mr. Wixom moved that the House recede from their amendment making appropriations to the St. Joseph river, which was lost.

On motion, a committee of conference, consisting of Messrs. Chapin, Bacon and Ormsby, were appointed thereon.

The House took a recess of ten minutes, and was called to order by the Speaker.

The following message was received from the Senate, by their secretary, Mr. At Lee :

SENATE CHAMBER,
Detroit, April 20, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to transmit to the House of Representatives the joint resolution relating to printing the Revised Statutes as amended, and respectfully inform you that the Senate have concurred therein.

SAMUEL YORKE AT LEE,
Secretary of the Senate.

Also the following :

SENATE CHAMBER,
Detroit, April 22, 1839. }

To the Speaker of the House of Representatives :

Sir : I am instructed by the Senate to inform you that the Senate has concurred in the accompanying report of the committee of conference on the appropriation bill of internal improvement.

SAM'L YORKE AT LEE,
Secretary of the Senate.

And the House concurred in the report of the committee of conference on the bill relative to internal improvement, and the bill was passed, as follows :

YEAS.

| | | | |
|---------------|----------------|----------------|----|
| Mr. Adam, | Mr. Eaton. | Mr. Mack, | |
| Mr. A. Allen, | Mr. Finney, | Mr. Meacham, | |
| Mr. L. Allen, | Mr. Gibbs, | Mr. Patterson, | |
| Mr. Axford, | Mr. Goodwin, | Mr. Pond, | |
| Mr. Bacon, | Mr. Grovier, | Mr. Seeley, | |
| Mr. Brown, | Mr. Howland, | Mr. Sheldon, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Shurts, | |
| Mr. Chase, | Mr. Jennings, | Mr. Smith, | |
| Mr. Decker, | Mr. King, | Mr. Speaker, | |
| Mr. Dort, | Mr. Levake, | Mr. Stout, | |
| Mr. Durocher, | Mr. Livermore, | Mr. Wixom, | 33 |

NAYS.

Mr. Davis,
Mr. Lowry,
Mr. Little,

Mr. Near,
Mr. Renwick,

Mr. Saunders,
Mr. Tucker,

7

Mr. Mack moved that the House suspend the rule that the resolution relative to a State Printer might be taken up.

Mr. Adam moved a call.

The roll was then called, and there were absent Messrs. Ack-
er, Brown, Copeland, Fitzgerald, L. Allen, Pierce.

The question being on suspending the rule, the same was lost
by the following vote :

YEAS.

Mr. Axford,
Mr. Copeland,
Mr. Eaton,
Mr. Goodwin,
Mr. Howland,
Mr. Hooker,
Mr. Jennings,

Mr. King,
Mr. Lowry,
Mr. Levake,
Mr. Little,
Mr. Mack,
Mr. Meacham,
Mr. Near,

Mr. Newton,
Mr. Ormsby,
Mr. Renwick,
Mr. Sheldon,
Mr. Smith,
Mr. Stout,
Mr. Tackels,

21

NAYS.

Mr. Adam,
Mr. A. Allen,
Mr. Bacon,
Mr. Chapin,
Mr. Chase,
Mr. Clark,
Mr. Decker,

Mr. Dort,
Mr. Durocher,
Mr. Finney,
Mr. Gibbs,
Mr. Grovier,
Mr. Livermore,
Mr. McKee,

Mr. Patterson,
Mr. Pond,
Mr. Saunders,
Mr. Shurts,
Mr. Speaker,
Mr. Wixom,

20

Mr. Chapin, from the committee on enrolment, reported as cor-
rectly enrolled,

A bill to provide for the further construction of the works of
internal improvement.

The Speaker announced Messrs. Wixom, Goodwin and Ren-
wick as a committee to investigate the affairs of James B. Hunt,
in pursuance of a resolution of this House of yesterday, as acting
Commissioner of the board of internal improvement.

Mr. Mack moved to take up the resolution appointing E. J.
Roberts State Printer, when the chair decided that a vote of two
thirds was required to take up the resolution.

Mr. Mack appealed from the decision of the chair, and the chair was sustained as follows :

YEAS.

| | | | |
|---------------|----------------|---------------|----|
| Mr. Adam, | Mr. Gibbs, | Mr. Near, | |
| Mr. A. Allen, | Mr. Grovier, | Mr. Newton, | |
| Mr. Bacon, | Mr. Howland, | Mr. Ormsby, | |
| Mr. Chapin, | Mr. Hooker, | Mr. Pond, | |
| Mr. Chase, | Mr. Jennings, | Mr. Saunders, | |
| Mr. Clark, | Mr. King, | Mr. Seeley, | |
| Mr. Decker, | Mr. Lowry, | Mr. Sheldon, | |
| Mr. Dort, | Mr. Levake, | Mr. Shurts, | |
| Mr. Durocher, | Mr. Little, | Mr. Smith, | |
| Mr. Eaton, | Mr. Livermore, | Mr. Stout, | |
| Mr. Finney, | Mr. McKee, | Mr. Wixom, | 33 |

NAYS.

| | | | |
|------------|-----------|-------------|---|
| Mr. Davis, | Mr. Mack, | Mr. Tucker, | 3 |
|------------|-----------|-------------|---|

Mr. Bacon offered the following resolution (Mr. Gibbs in the chair :) :

Resolved, That the thanks of this House be cordially tendered to the Hon. Kinsley S. Bingham, for the able, impartial, and courteous manner in which he has discharged the arduous duties of Speaker of this House during the present session.

Mr. Gibbs having left the chair, the Speaker resumed it, and addressed the House as follows :

Gentlemen of the

House of Representatives :—

" I avail myself of the only occasion left, before your adjournment, to tender you the acknowledgments of a grateful heart for the uniform deference and courtesy which has been extended to me as your presiding officer, during the long and arduous session now brought to a close ; but, gentlemen, if possible, you have laid me under still greater obligations for the public expression of your approbation, which you have given by the passage of your resolution to-day. Conscious of the difficulties that attended the station I have occupied, I entered upon its duties relying upon your forbearance for whatever mistakes and errors you might discover, but with a fixed determination to discharge them faith-

fully, fearlessly and promptly. My conscience acquits me of having ever intentionally committed a wrong, and I cannot be sufficiently thankful for the cordial and kind support with which you have sustained and strengthened me upon all occasions. I am also indebted for a portion of the merit you have been pleased to ascribe to me, to the vigilant and constant assistance I have received from your faithful clerks and officers.

"Gentlemen—It affords me pleasure to state, that I have witnessed with feelings of peculiar pride and satisfaction, the zeal, the industry and the ability with which you have brought forward and sustained the various measures of the session, and I am happy in the reflection that amidst the conflicting interests and opinions that must necessarily exist in all legislative bodies, a spirit of harmony and concession and gentlemanly deportment, have characterized all your proceedings and deliberations, and that you have evinced a devotion to the interests of your constituents and the welfare of the State, worthy of all praise. That the benefits to be derived to the people from your enactments may be commensurate with the motives which have prompted them, is my sincere and earnest wish.

"Gentlemen—At this hour of parting, the recollection of the pleasant associations and the familiar intercourse which have existed between us, and now about to be severed, comes forcibly rushing upon me—it will never be obliterated from my memory till the pulsations of life are ended.

"Gentlemen—I wish you a safe return to your homes and constituents—and with a long life of prosperity and happiness, may God bless you."

The following message was received from the Executive :

EXECUTIVE DEPARTMENT, }
April 20, 1839. }

To the House of Representatives :

I have this day approved and filed in the office of the Secretary of State,

An act to provide for the further construction of certain works of internal improvement.

A joint resolution authorizing the publication of the school laws.

S. T. MASON.

On motion of Mr. Goodwin,

A committee of two were appointed to wait on the Governor, and also a committee of two to wait upon the Senate, and inform them that the House was now ready to adjourn.

The committee having reported the discharge of their duty,

On motion of Mr. Goodwin,

The Speaker announced the House adjourned sine die.



DOCUMENTS

REFERRED TO IN AND ACCOMPANYING THE GOVERNOR'S MESSAGE,

Contract with the Morris Canal and Banking Company.

Articles of agreement entered into this first day of June, in the year of our Lord, eighteen hundred and thirty-eight; between the people of the State of Michigan, by Stevens Thomson Mason, Governor of the said State of Michigan, acting in behalf of the people and under the authority of the State aforesaid, of the first part, and the Morris canal and banking company, a body politic and corporate, for themselves and their successors, of the second part.

It is agreed between the parties as above mentioned, as follows :

First. The parties of the first part have contracted with and employed, and do hereby contract with and employ, the parties of the second part, as agents to sell the bonds issued and to be issued by the State of Michigan, by virtue of the act of the Legislature of said State, entitled "An act authorizing a loan of a sum of money, not exceeding five millions of dollars," approved the twenty-first day of March, eighteen hundred and thirty-seven, and an act supplementary thereto, approved the fifteenth day of November, eighteen hundred and thirty-seven: also an act entitled "An act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company," and an act entitled "An act authorizing a loan of a sum not exceeding one hundred thousand dollars for the benefit of the Ypsilanti and Tecumseh railroad company," the two latter approved on the sixth day of April, eighteen hundred and thirty-eight, bearing interest at the rate of six per cent per annum, payable semi-annually, the principal and interest to be made payable in the city of New York, and in the lawful money of the United States, and redeemed at any time after the years eighteen hundred and fifty-nine and eighteen hundred and sixty-three, as provided for by the aforesaid acts of the legislature of the said State, to be sold by the said agents, the parties of the second part, at

such times and in such parcels, and either in this country or in Europe, as they may deem advisable and for the best interests of those concerned therein. And the parties of the first part shall allow to the parties of the second part, for their agency and services in the premises, and in consideration thereof, a commission of two and a half per cent on the proceeds of sales, which is also to be in lieu of all other expenses that may be incurred in the negotiation and sale of said bonds, and to be by said agents deducted from the proceeds of said sales.

Second. The parties of the second part shall have and deposit the proceeds of said sales, and of any benefit to be derived from the difference of exchange, in case the principal or any part thereof, shall be contracted for and received in Europe, in the city of New-York, ready to be there delivered to the parties of the first part or to such person or persons as may be duly authorized to receive the same, and they the parties of the second part, hereby guaranty the safe transmission thereof to the city of New York, in case the sales be made and payable elsewhere, and they the parties of the second part, further guaranty and agree, that in case the sales of the said bonds shall be so negotiated as that the whole proceeds of such sales, and of the benefit of the exchange as above mentioned, if any, shall not equal the par value of the aggregate amount of the bonds sold, they the parties of the second part shall make up the deficiency, viz : they shall and will allow and pay to the parties of the first part, or such person or persons as may be duly authorized to receive the same. in addition to such proceeds, the difference between the said proceeds and the par value of said bonds, after deducting their commissions as aforesaid on the par value, which is to be allowed them; and in case the sums realized on the sale of the said bonds shall amount to par, the parties of the second part shall allow and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, and the parties of the second part shall and will advance and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, at the times hereinafter mentioned, viz : two hundred and fifty thousand dollars to be paid and advanced in cash on the execution of this contract ; one million and fifty thousand dollars, as may be required by the parties of the first part or on their behalf, the

same being subject to their order ; and the residue of such of the proceeds as are to be paid over under this contract, shall be paid quarterly in sums of two hundred and fifty thousand dollars each, the first payment thereof to be made on the first day of July, in the year of our Lord eighteen hundred and thirty-nine, until the whole of such proceeds shall have been paid, whether the said parties of the second part shall be in funds from the proceeds of such sales to meet the instalments or otherwise. And in consideration of the above guaranty and stipulations in this clause mentioned, it is further agreed, that whatever sum may be realized on the sale of the aforesaid bonds, over and above the par value, such excess, to the amount of five per cent and under, shall be equally divided between the parties hereto. The parties of the second part to retain their half thereof, and all beyond the said five per cent shall be retained by the parties of the second part. The portions of such excess so to be retained by them, to be in addition to their commission of two and a half per cent on the par value of the whole five millions as aforesaid.

Third. The said bonds shall be drawn in such sums, in such forms, and be delivered to the parties of the second part at such times as may be desired by them prior to the instalments becoming due ; the same to be prepared, nevertheless, conformably with the laws authorizing the issuing thereof.

Fourth. One million three hundred thousand dollars of said bonds are to be delivered to the said parties of the second part on the execution of this contract, and such further delivery of the bonds is from time to time to be made to the said parties of the second part, as always to put them in possession of one million of dollars in bonds in advance of the payment by them actually made to the said parties of the first part, or the person or persons authorized to receive the same.

Fifth. The said parties of the second part are to have the option of paying over in the city of New York, the balance of five millions of dollars, deducting thereout their commissions of two and a half per cent, or any part of such balance, and receiving the residue of the bonds of five millions of dollars, on thirty days' notice, to be given in writing to the Governor for the time being of the State ; and whatever may remain to be paid, if any, shall

be paid over by the parties of the second part in the city of New York, as soon thereafter as the whole bonds can be disposed of and realized and the account closed.

Sixth. It is further agreed that all and singular, the bonds of five millions of dollars above mentioned, are to be delivered to the parties of the second part at their banking house in Jersey city, in the state of New Jersey. And it is further agreed and understood, in consideration of the premises and more particularly of the above guarantees entered into by the parties of the second part, that this agency shall be irrevocable, and shall continue in full force until all the services and stipulations herein mentioned shall be fully performed and consummated.

In witness whereof, His Excellency the Governor of the said State, in the name and on behalf of the people of the said State of Michigan, has hereunto set his hand and affixed his seal, and the parties of the second part have caused their corporate seal to be hereunto affixed and attested by their vice president and cashier, the day and year first above written.

STEVENS T. MASON, [L. s.]

The Morris canal and banking company,

by E. R. BIDDLE, V. Pres't. [L. s.]

In presence of

CH. B. BURCH,

WALTER BETTS, Jr.

Attest: ISAAC GIBSON, Cash'r.

Supplementary Agreement relative to Internal Improvement Loan.

Memorandum of a agreement made and entered into this fourth day of June, A. D., 1838, by Stevens T. Mason, Governor of the State of Michigan, with the Morris canal and banking company.

Whereas, the said Morris canal and banking company have passed to the credit of the said Stevens T. Mason, the sum of one million three hundred thousand dollars, for an amount of Michigan six per cent bonds equal at par to that sum :

Now, in consideration of such payment as aforesaid, the said Stevens T. Mason, does hereby agree to receive said sum of one million three hundred thousand dollars in the notes of the Morris canal and banking company, and to disburse them, so far as the exigencies of the State of Michigan may allow, as follows, to wit: two hundred and fifty thousand dollars on or about the first day of August next; one hundred thousand dollars on or about the first day of September next, and one hundred thousand dollars on the first days of each of the ensuing months.

In witness whereof, the said Stevens T. Mason has herewith set his hand and seal, the day and year first above written.

STEVENSON T. MASON, [L. S.]

Morris Canal Company's Agreement for Ninety Day Drafts.

Whereas, the Morris canal and banking company have contracted with the Hon. S. T. Mason, Governor of the State of Michigan, to sell the bonds of said State, and have a commission for said agency, as stipulated in a contract bearing date the first day of June, 1838.

And whereas, it was agreed and understood between the parties, that the Morris canal and banking company should pay certain sums of money on the account of sale of said bonds, on the first day of August next, also on first days of September, October, November, December, January, February, March and April following.

And whereas, it is represented by John Norton Jr., Esq., cashier of the State Bank of Michigan, fiscal agent of said State, and acting in behalf of Governor Mason, with his full power, that it will better promote the interest of the State and internal improvement fund, to transfer money to be received on account of above payments, to the treasury of said State, by drawing bills from Detroit on New York, to be accepted by Morris canal and banking company, than to transfer the amount from New York to Michigan, as was intended to be done (when contract was executed) in bank bills.

It is hereby mutually agreed and understood, by and between the Morris canal and banking company and said John Norton,

Jr., acting in behalf of said Governor Mason, that said John Norton shall draw bills from Detroit on the Morris canal and banking company, payable at an average of not less than ninety days, after aforesaid instalments severally become due and payable.

And it is further agreed by the parties to these presents, that said bills, when drawn in conformity with foregoing stipulations, and by authority of Governor Mason, shall be accepted and paid by Morris canal and banking company.

And it is further agreed by said Norton, that in consideration of these presents, and especially in consideration of said Morris canal and banking company accepting when presented, and paying said bills when due, for amount of each instalment, they shall be considered and received as payment in full for the several instalments, in the same manner as though each payment was made in cash, on the day they are understood to be due by the original understanding and agreement.

New York, 14th July, 1838.

JOHN NORTON, Jr.

E. R. BIDDLE, V. P.

of Morris canal and banking company.

In presence of }
M. GRISWOLD, }

S. T. Mason to E. R. Biddle, Nov. 3, 1838.

New-York, Nov. 3, 1838.

DEAR SIR—The approaching session of our State Legislature requires that I should be prepared to present the state of the agency of the Morris canal and banking company for the negotiation of \$5,000,000 under my contract of May last. You will, therefore, oblige me, by furnishing a full statement of the sale of bonds up to this date by your company; and at the same time, I should be pleased to receive such general suggestions on the subject, to be presented to the Legislature, as would be calculated to promote the measure entrusted to your care.

I am respectfully,

(Signed.)

E. R. BIDDLE, *Esq. Vice Pres. &c.*

S. T. MASON.

E. R. Biddle's Report, Nov. 10, 1838.

Office of the Morris Canal and Banking Company, }
Nov. 10, 1838.

SIR—I have received yours of the 3d inst., requesting a statement and report of the condition of the bonds negotiated by this company as agents of the State of Michigan, which will meet due attention.

Before rendering it, however, I deem it proper to say, that the recent advices from London place the condition and prospects of American securities in such a light as to render it very desirable to close the sale of the balance of your bonds, if to be accomplished within the limits fixed by our contract under date of first of June last.

It is now in the power of this company to do so and to pass the whole amount to the credit of the State of Michigan at par, less our commission of two and a half per cent, (which the contract authorizes us to do,) provided you will consent to deliver the residue of the bonds immediately and take the obligation of the Bank of the United States in Pennsylvania to pay three-fourths, and of this company to pay the remaining one-fourth of the aggregate amount, at the several periods when by the original contract they shall respectively become due.

An interest account will be kept and the State of Michigan will be credited with interest by both institutions at six per cent per annum from the date of the earliest coupon, which it is proposed shall be of the first of January next, up to the maturity of the instalments which shall respectively become due, and which instalments are to be drawn for on this institution under their respective dates, by the Treasurer of the State of Michigan, at thirty days sight.

To enable us to carry out this measure, I must ask your prompt reply to this proposal, and, if it meets your approval, that you will order the whole of the bonds to be sent from Detroit by a special messenger without delay.

I remain, respectfully, your ob't serv't,

E. R. BIDDLE, V. P.

His Excellency, STEVENS T. MASON,
Gov. State of Michigan.

E. B. Biddle to S. T. Mason, Nov. 15, 1838.

*Office of the Morris Canal and Banking Company, }
Nov. 15, 1838.*

To His Excellency

STEVENS T. MASON,

Governor of the State of Michigan.

DEAR SIR—We received your favor of the 12th inst. in relation to making the sales of, and the deliveries of the six per cent bonds of your State, as proposed in our communication to you of the 10th instant.

After consulting with those co-interested with us, in the contract and agency made with you on behalf of your State, we have come to the conclusion that as we see no prospect of benefitting you by declining the offer now made to us, we conform to your views as now expressed to us, viz :

"Can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass?"

We have, therefore, closed with the party making the proffer to purchase the whole of the unsold balance of your stock at par, upon the terms mentioned in our letter of the 10th instant.

When we first assumed this agency, considering the large amount of the undertaking and the importance of dividing the risk and combining larger influence in bringing it favorably into the European market, we invited several respectable individuals and institutions to unite with us. These parties have now consented to become purchasers of the portion held by them at par, and thereby enables us to report to you the entire close of your stock at that rate, less our commission.

We are free to confess that the recent advices from Europe of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most undoubted state stocks have been urged upon that market by banking-houses whose connection with this country had led us to expect a different course, have inspired no little apprehension of unpleasant results, and have caused us for some time past to feel that the commission stipulated for forms but an inadequate compensation for continuing the risk of the foreign market.

In corroboration of these views, it is in our power to state that Charles Butler, Esq. of this city, whose reputation is known to you, and who is now in London, having in his charge the interests of one of the institutions concerned in the contract, writes under date of 26th October, most discouragingly as to the prospects of a favorable result to the Michigan bonds held by the Messrs. Rothschild, and of the apparent want of confidence in these securities. Other banking-houses of the highest respectability in London, give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large quantity of Arkansas bonds, *payable in London*, from utter inability to realize except at immense sacrifice.

In addition to all this, sterling six per cent Alabama bonds have recently been sold in this city at 103, and more are offered at the same rate, which would reduce the value of your bonds, (being payable in this country,) to about 92.

Added to this, it is no small inducement for closing this sale, that by so doing we bring to the aid of your State all the influence which can be derived from the capital of the Bank of the United States, and the benefits of which may be experienced in the future financial transactions of Michigan.

I remain, with great respect,

Your ob't serv't,

E. R. BIDDLE, V. P.

*Extract from the letter of Charles Butler, Esq., dated London,
26th October, 1838, above referred to.*

"I have seen the Messrs. Rothschilds several times within a few days on the subject of the Michigan bonds, and find they have done nothing, nor do I find them any more favorably inclined towards them. I have said what I could to inspire them with confidence, and have urged them to hold on to the bonds until the period of disposition was more favorable."

*Treasurer's Account, ending December, 1838.**State of Michigan.*

In the following accounts with H. Howard, Treasurer.

DR.

To the following :

| | |
|---|--------------|
| For cash on hand, | \$735,072 60 |
| For balance due the Treasurer on general account, by own drafts on the Michigan State Bank, | 7,960 74 |
| | <hr/> |
| | \$742,979 34 |

CR.

By the following balances, viz.

| | |
|-------------------------------------|--------------|
| To credit of the contingent fund, | \$1,023 16 |
| University fund, | 261 71 |
| Sinking do | 85,821 06 |
| Internal Improvement do | 595,873 41 |
| Allegan and Marshall railroad fund, | 60,000 00 |
| | <hr/> |
| | \$742,979 34 |

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 22, 1838. }

*S. T. Mason to E. R. Biddle, November 11, 1838.**New York, Nov. 11, 1838.*

SIR—Your favor of the 10th inst. communicating to me a proposition for the sale of the Michigan State bonds under the agency of the Morris canal and banking company, has been duly received.

It is with regret I perceive that the state of the European market is such as to render the sale of the Michigan bonds a matter of hazard and doubt. My expectation under the contract with your institution was, to realize at least par on the stock, and it is with extreme disappointment that I have presented to me the probability of losing the two and a half per cent commission which covers your charges. I still cling to the hope that an immediate

sale may not be imperatively necessary. But as the negotiation of this loan has been a most thankless and perplexing undertaking on my part, I feel unwilling to advise you in the premises.

The contract gives you a free agency to act as the interests of the State of Michigan may require. The questions to determine are, can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass? All this you must take the responsibility of determining. To the details of the proposition I have no objection, and only hope that you will be driven to an immediate sale under a proper regard to the interests of the State you represent.

I have the honor to be

Your obedient servant,

S. T. MASON.

E. R. BIDDLE, Esq. *Vice President, &c.*

Moneys received on account of the Internal Improvement Fund.

Statement of moneys received on account of sale of Michigan State Bonds to the Morris canal and banking company, as follows:

1838.

| | | | |
|----------|---|--------------------|------------|
| Jan. 7. | Governor Mason's two drafts on Jno. Delafield, Esq. | \$90,000 60,000 | |
| | | | 150,000 00 |
| " 3. | Oliver Newberry, on his contract, | \$30,000 | |
| Feb. 6. | " " | 81,000 | |
| " 24. | " " | 50,000 | |
| Sep. 19. | " " | 39,000 | |
| | | | 200,000 00 |
| July 11. | Deposited in New York by Governor Mason to the credit of the Michigan State Bank, | | 80,000 00 |
| Aug. 1. | Gov. Mason's sundry drafts on Morris Canal Bank, 90 days, | | 250,000 00 |
| Sep. 1. | " " | " | 100,000 00 |
| Oct. 1. | " " | " | 100,000 00 |

| | | |
|----------|---|----------------------|
| Nov. 1. | Gov. Mason's sundry drafts on Morris Canal Bank, 90 days, | 100,000 00 |
| Dec. 1. | " " " | 100,000 00 |
| June 16. | Gov. Mason paid in Morris Canal bills, | \$10,397 70 |
| | Gov Mason paid Prime, Ward and King's account, | 8,963 30 |
| | Gov. Mason paid Jno. Delafield's account, | 639 00 |
| | | <hr/> 20,000 00 |
| Dec. 12. | Bills of the Morris canal and banking company to apply on the January, 1839, payment, | \$100,000 00 |
| " " | Gov. Mason's draft on Morris canal bank, 90 days, | \$4,580 00 |
| | Gov. Mason's check on Michigan State bank, | 50 00 |
| | Bills of Morris canal and banking company, | 95,370 00 |
| | | <hr/> |
| | In full of February, 1839, payment. | 100,000 00 |
| | | <hr/> \$1,300,000 00 |
| | Credited to the internal improvement fund, | 1,180,000 00 |
| " " | Ypsilanti and Tecumseh railroad company, | 60,000 00 |
| " " | Allegan and Marshall railroad company, | 60,000 00 |
| | | <hr/> \$1,300,000 00 |

STATE TREASURER'S OFFICE, }
Detroit, Dec. 12, 1838. }

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Dec. 12, 1838. }

SIR—Annexed I hand you a statement of moneys received on account of Michigan State loan, which includes the bills of the

Morris canal and banking company, deposited with me, as per my receipts therefor.

I am, very respectfully,

Your obedient servant,

H. HOWARD, *Treasurer.*

His Excellency Gov. MASON, Detroit.

Opinion of Chancellor Kent and D. B. Ogden, Esqs., on the Question of Boundary.

New York, September 6, 1838.

SIR—I do myself the honor to inclose herewith an opinion on the question submitted under the concurrent resolutions of the Legislature of Michigan. In pursuance of the liberty given me by your letters, I deemed it best and proper to associate David B. Ogden, Esq. of this city, with me as counsel. The case was submitted to him after I had examined it, but without any intimation of my opinion, until I found afterwards that he had arrived at the same conclusion. It appeared to me that Mr. Ogden stood in a rank for experience, judgment and character, with any of the profession, and was, upon the whole, as unexceptionable and desirable as any associate I could select.

With the highest respect, I have the honor to be,

Your Excellency's most obedient servant,

JAMES KENT.

To his Excellency Gov. MASON.

Opinion.

The undersigned counsel, to whom his Excellency the Governor of the State of Michigan submitted a concurrent resolution of the Legislature of that State of the 6th of April last, by which he was requested to obtain the opinion of counsel touching the legal right of the State to the tract of land on its southern border, commonly called the disputed ground, and the best mode of prosecuting the claim of the State thereto, respectfully

REPORT:

That they have carefully and diligently examined and considered the case, and with all the anxiety to obtain the truth that the gravity of the questions and the dignity of the application excited.

They have seen and examined the following documents, which have either a direct or remote bearing upon the points submitted.

The ordinance of Congress of July 13, 1787.

The act of Congress of April 30th, 1802, ch. 40.

The Constitution of Ohio of 1802.

The act of Congress of February 19, 1803.

The act of Congress of January 11, 1805, ch. 66.

The act of Congress of May 20, 1812, ch. 88.

The act of Congress of April 19, 1816, ch. 57.

The Constitution of Indiana of June 29, 1816.

The act of Congress of April 18, 1818, ch. 62.

The act of Congress of March 2, 1827, ch. 57.

The Constitution of Michigan of May 11, 1835.

The act of Congress of June 15, 1836, ch. 99.

The act of Congress of June 25, 1836, ch. 117.

The act of the Legislature of Michigan of July 25, 1836.

The first convention of the people of Michigan of Sept. 26, 1836.

The second convention of December 15, 1836.

The act of Congress of January 26, 1837.

In communicating to counsel the concurrent resolutions of the Legislature of Michigan, his Excellency the Governor stated the following points as being those which were deemed to embrace the entire merits of the question at issue.

1. Had Michigan a just and legal claim under the ordinance of 1787, to the territory in dispute?
2. Was the subsequent action of the Congress of the United States depriving her of that territory, authorized and constitutional?
3. What is the binding force and effect of the assent of the people of Michigan to the conditions of the act of Congress, providing for the admission of the State into the federal union?

4. Was the assent of that convention the "common consent" required by the ordinance of 1787, for the alteration of the southern boundary of the State of Michigan, as established by the act of 1803?

5. Is the right of Michigan to the contested territory precluded, either by the action of Congress or the assent of her own people?

6. If not, what is her remedy for regaining the jurisdiction over the territory, the power of the supreme court of the United States over the subject, and the proper mode of bringing the question before that tribunal?

1. In answer to the first question, we are of opinion that the people of the territory of Michigan had a just and legal claim under the ordinance of 1787, to the territory in dispute.

That ordinance established certain articles of compact between the original States and the people and States in the territory of the United States northwest of the river Ohio, which were to remain forever unalterable, unless by common consent, and in and by one of these articles the boundaries of the States within the territories were to become fixed and established, and the eastern State, (now Ohio,) had its boundaries declared, and which were, on the north, the territorial line between the United States and Canada. But the boundaries of that and the other two western States were subject to be so far altered, that if Congress should find it expedient, they should have authority to form one or two States in that part of the said territory which lay north of an east and west line drawn through the southerly bend or extreme of Lake Michigan.

Here was a clear stipulation that an east and west line drawn through the southerly bend or extreme of Lake Michigan, was to be the boundary line between the three States (and of which the eastern State or Ohio was one) and any new State or States that might be formed north of that line, and that stipulation was binding until withdrawn by common consent.

2. In answer to the second question, we do not know of any act or acts of Congress which can be deemed to partake of the character of depriving Michigan of the territory in question prior to the acts of the 15th and 23d of June, 1836. The act of Congress

of April 30, 1802, for the admission of Ohio into the Union, and the act of Congress of January 15, 1805, erecting the territory of Michigan, and the act of Congress of May 20, 1812, for surveying the northern boundary line of Ohio, expressly recognized the Michigan line ; and though the act of Congress of April 19, 1816, for admitting Indiana into the Union, shifted the east and west line drawn through the southerly bend or extreme of Lake Michigan to an east and west line ten miles north of the other, yet the territory affected by that alteration of the line, is not part of the territory now in dispute. The alteration was made with the consent of Indiana, declared by her convention, and the territorial government of Michigan never questioned it. It passed by common consent.

The act of Congress of the 15th June, 1836, was passed after Michigan had met in a State convention and adopted a Constitution for herself as a separate State, and it recognized her territory as established by the act of Congress of January 11, 1805. It was an act preparatory to the admission of Michigan into the Union, and made also, as its title purported, to establish the northern boundary of the State of Ohio. It declared that the northern boundary line of Ohio should be a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of Miami Bay, &c. This was undoubtedly a change to the prejudice of Michigan, of the line established by the ordinance of 1787 and recognized in the subsequent acts of Congress. But the statute further provided for the consent of Michigan to the alteration, by making her consent to that alteration an express condition of her admission into the Union, and which consent was required to be solemnly given by a convention of the people of Michigan. This condition, precedent, we are of opinion was unduly attached to the admission of that State, for the articles of compact in the ordinance of 1787, gave that State a right to be admitted into the Union, whenever she had obtained the requisite number of inhabitants. The necessity of the consent of Michigan to the alteration of the boundary line thus unduly required, was evidence of the sense of Congress that the alteration would not rest upon any secure foundation without it. But the subsequent act of the 23d June, 1837, without reference to any

consent of Michigan, goes on to declare that the northern boundary of the State of Ohio should be established and extend to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, &c. This was putting an end to the question at once, without waiting for the consent of Michigan to be given as required by the preceding act, and in our opinion, those two acts did unauthorizedly, and in breach of the original compact of 1787, deprive Michigan of her right to the territory in question.

3. But in answer to the third question, and which will involve in it an answer to the remaining questions, for they all depend on the same principle, we are of opinion that the State and people of Michigan are bound by the consent given by the convention of the 15th December, 1836, to the alteration of their southern boundary line, and by their subsequent recognition of their lawful admission into the Union under that consent, and the act of Congress of January 26, 1837, made in pursuance of it. The lawfulness of the convention which gave that consent is not now to be drawn in question. The State and the congress of the United States have equally assumed its act to be valid and acted under it, nor can it be admitted for a moment that the second convention acted under duress and not freely. It was a matter resting in their sound discretion, whether the convention would submit to their entrance into the Union upon the conditions annexed. The State of Michigan is now stopped by considerations of honor and dignity, and by her own solemn acts and recognitions, from denying the validity of her admission into the Union, and from calling in question this day the binding force of the terms upon which she consented to become a member of the Union. The alteration in the north boundary line of Ohio has now been made by the "common consent" required in and by the ordinance of 1787; and in our opinion Michigan has no remedy left her, that is known to the constitution and law of the land, by which she can lawfully disturb the boundary line as now settled.

JAMES KENT,
DAVID B. OGDEN.

New York, Sept. 6, 1838.

Documents relative to the State Loan—Prime, Ward & King's Report, J. Delafield's receipt, &c.

NEW YORK, Nov. 16, 1838.

SIR—In reply to the communication which you addressed to us, on the 12th instant, desiring information on the subject of the Michigan loan, entrusted for the negotiation to our Mr. King, under directions from your agent Mr. Delafield, we beg to enclose a copy of Mr. King's note of 28th April last, to Mr. Delafield, explaining the failure to effect the desired loan in Europe, which gives the needful information on that point. In relation to our valuations on London and subsequent reimbursement of their amount, we have to state that we acted under the explicit instructions of Mr. Delafield, as will be seen by reference to the enclosed copy of his letter to us, of 11th April last, but at that time he and we, here, were ignorant of the fact, that the bonds to extent of 300,000 dollars, were not in a form to be sold in Europe. Our reimbursements were made on the best terms in our power, and free from risk to the State of Michigan, charging the London commission, and one per cent for drawing and remitting, but of course without guaranteeing the State from loss upon the operation.

It is right to add explicitly, that it was for no convenience or profit to us, that these valuations were made, and that we were ready at any moment, to advance our half of the amount agreed upon with your special agent when here, and it was undoubtedly believed that a fall in the rate of exchange would enable us to make reimbursement upon terms that would save any expense or loss to the State, which, unfortunately, proved otherwise.

We remain sir, with respect,

Your obedient servants,

PRIME, WARD & KING.

S. T. MASON, Esq.,

Governor of the State of Michigan.

NEW YORK, 11th April, 1838.

Messrs. PRIME, WARD & KING,

GENTLEMEN—I have your letter of yesterday, stating that at my request as agent, and under our joint responsibility to reimburse the advance, if required, you had drawn upon Messrs. Baring, Bro's & Co., of London, against the \$300,000, Michigan bonds consigned to them for sale.

| | | |
|--------------------------|---------------|-------------|
| Say on 31 March, £20,000 | 60 days at 5½ | \$93,383 33 |
| 7 instant, 12,200 19 2 | 4½ | 56,666 67 |

| | |
|--------------|--------------|
| £32,200 19 2 | \$150,000 00 |
|--------------|--------------|

At your request, I do hereby acknowledge the receipt of one hundred and fifty thousand dollars, advanced to the State of Michigan; and I engage individually, to refund to Messrs. Baring, Bro's & Co. one half of the amount drawn as above stated, on demand, with interest and commissions, in case of need, confirming the engagements set forth in your letter of the 10th instant.

I am, respectfully,

Yours,

(Signed,)

J. DELAFIELD,

Agent for the State of Michigan.

Three parcels of Michigan bonds, amounting together to \$300,000, accompanied by Mr. Delafield's letter of 29th November, transferring his agency, with an exemplified copy of the acts of Michigan, authorizing a loan of \$5,000,000, and an act amending the same, authorizing a rate of interest not exceeding six per cent, was received in London, in December, 1837. Preparatory negotiations had been entered into there with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London.

Said amendatory act, as also the original act, relating to these bonds, no where expressly and directly, nor in any way but by inference, authorized or permitted the payment of the principal abroad, although it was explicit as to such payment of interest, but it directly limited the rate at which payment of either or both

should be made in London, at par, or four dollars forty four one hundredths, per £ sterling, although it required that any premium or gain of exchange upon negotiation should be accounted for to the State of Michigan.

That although the State might receive proceeds of the negotiation of bonds in sterling abroad, at a premium of ten per cent, yet, it should only refund the money and pay the interest at par, in other words, to receive four dollars eighty eight one hundredths, per £ sterling, but to pay back four pounds forty four one hundredths per £ sterling.

It was then thought practicable to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to the rates of exchange, rendered any probable price in London insufficient to cover limits; an effort was made to obtain authority to draw for a given amount, upon leaving the bonds in London, if that would suit the State of Michigan, but as such authority, except after sales made, could not be obtained, no authorized course was left but to bring back the \$300,000 bonds, which has been done. The rate in London for a Michigan loan six per cent, interest and principal payable in New York, would probably be ninety per cent, equal at six per cent premium to ninety five forty one hundredths, without allowance for commission or charges for \$1000 of stock.

Copy of note, dated 28th April, 1838, from J. G. King to John Delafield, agent.

STATEMENT

Of Tolls Received upon the Central Railroad, from February first, to December, 1888.

| DATE. | PASSENGERS. | | MERCHANDIZE. | | FLOUR. | LUMBER. | SHINGLES. | WOOD. | Amount received at Detroit, Ypsilanti. | Aggregate Amount. |
|-------------------------------------|-------------|-----------|--------------|----------|----------|---------|-----------|---------|--|-------------------|
| | No. | Amount. | Pounds. | Amount. | Bar'l's. | Feet. | Amount. | M's. | Am't. | Am't. |
| Feb'y, to May 21, W'h end'g May 20, | 1515 | \$1928 96 | 306636 | \$920 62 | 45 | | | | \$18368 06 | \$18368 06* |
| " 12, June 5, | 1311 | 1624 14 | 296003 | 871 25 | 69 | | | 15 1-3 | 2869 05 | 2869 05 |
| " 19, " | 1498 | 1801 02 | 316944 | 916 64 | 42 | | | 69 1-10 | 1830 90 | 2328 56 |
| " 26, " | 1297 | 1703 74 | 200714 | 545 07 | 104 | 3000 | \$6 | 73 1-2 | 1143 24 | 2764 20 |
| July 3, " | 1269 | 1728 37 | 253391 | 742 34 | 131 | 4000 | 8 | 5 1-4 | 1122 43 | 2328 05 |
| " 10, " | 1161 | 1534 01 | 169494 | 458 97 | 78 | 17780 | 35 58 | | 1038 | 1491 23 |
| " 17, " | 976 | 1313 39 | 286432 | 539 65 | 386 | 7000 | 11 20 | 60 1-2 | 1041 69 | 2056 56 |
| " 24, " | 904 | 1244 01 | 269476 | 478 74 | 254 | 5000 | 23 64 | 64 1-2 | 928 32 | 2005 39 |
| " 31, " | 696 | 932 51 | 45198 | 192 28 | 109 | 37000 | 9 70 | 70 3-4 | 772 77 | 1827 59 |
| Aug. 7, " | 789 | 1062 62 | 210323 | 459 79 | 117 | 9926 | 19 84 | 32 1-4 | 502 98 | 1056 27 |
| " 14, " | 915 | 1071 37 | 218236 | 418 49 | 201 | 4003 | 8 63 | 31 | 668 73 | 1581 29 |
| " 21, " | 868 | 1172 73 | 139944 | 312 15 | 182 | 15748 | 18 99 | 43 | 736 91 | 1561 41 |
| " 28, " | 832 | 1091 37 | 141492 | 335 08 | 178 | 4691 | 13 77 | 63 1-4 | 722 51 | 1568 46 |
| Sept. 4, " | 850 | 1145 38 | 160560 | 353 43 | 595 1-2 | 14685 | 27 25 | 53 | 678 95 | 1503 39 |
| " 11, " | 1103 | 1536 87 | 261500 | 511 53 | 557 | | | 46 | 800 85 | 1775 10 |
| " 18, " | 1165 | 1610 38 | 351096 | 575 33 | 566 | 1314 | 2 84 | 15 | 1116 73 | 2199 36 |
| " 25, " | 947 | 1333 37 | 320534 | 591 65 | 671 | 157 66 | 8 79 | 47 | 1105 98 | 2340 05 |
| Oct. 2, " | 1211 | 1664 49 | 469545 | 645 69 | 901 | 195 77 | 1888 | 5 63 | 1136 83 | 2147 12 |
| " 9, " | 1071 | 1512 13 | 571867 | 951 12 | 817 | 196 50 | 10000 | 5 | 1290 82 | 2716 12 |
| " 16, " | 993 | 1410 36 | 580800 | 957 41 | 724 | 178 72 | | 60 | 1235 28 | 2684 96 |
| " 23, " | 1173 | 1553 37 | 687005 | 1084 56 | 975 | 243 17 | | 2 | 1085 36 | 2595 94 |
| " 30, " | 1115 | 1533 76 | 787734 | 1382 44 | 1428 | 343 38 | | 28 | 1304 | 2981 53 |
| Nov. 6, " | 850 | 1264 63 | 58619 | 920 65 | 1144 | 280 44 | | 23 | 1348 66 | 3315 18 |
| " 13, " | 917 | 1173 62 | 451892 | 849 89 | 1651 | 382 10 | | 30 | 1066 54 | 2435 74 |
| | | | | | | | | | 1097 80 | 2412 01 |

STATEMENT—Continued.

| DATE. | PASSENGERS. | | MERCHANDISE. | | FLOUR. | | LUMBER. | | SHINGLES. | | WOOD. | | Amount received at Detroit. | Amount received at Ypsilanti. | Aggregate Amount |
|----------|-------------|------------|--------------|------------|---------|-----------|---------|----------|------------|----------|---------|----------|-----------------------------|-------------------------------|------------------|
| | No. | Amount. | Pounds. | Amount. | Bar'ls. | Amount. | Feet. | Amount. | Ms. | Am't. | Cd's | Am't. | | | |
| Nov. 20, | 651 | 915 23 | 469969 | 1001 72 | 1050 | 247 59 | | | 26 1-4 | 5 07 | | | 869 90 | 1939 71 | 2169 61 |
| " 27, | 659 | 695 39 | 335791 | 743 10 | 865 | 211 06 | | | 59 1-4 | 14 04 | | | 911 95 | 951 64 | 1863 59 |
| Dec. 4, | 454 | 696 25 | 398473 | 862 15 | 771 | 190 13 | 3000 | 8 39 | 74 3-4 | 18 68 | 43 | 27 37 | 615 33 | 1117 64 | 1732 97 |
| " 11, | 432 | 605 37 | 299650 | 593 51 | 176 | 42 06 | | | 20 | 438 12 | 131 1/2 | 85 59 | 552 53 | 778 32 | 1330 89 |
| " 18, | 336 | 471 63 | 183921 | 407 03 | 348 | 87 25 | | | | | | | 372 21 | 593 70 | 965 91 |
| | 28751 | \$38692 62 | 9792415 | \$19948 87 | 150564 | \$3804 64 | 114561 | \$223 32 | 116 25-100 | \$294 05 | 612 1/2 | \$373 98 | \$48614 86 | \$33969 68 | \$81604 54 |

RECAPITULATION.

Number passengers, 28751
 Pounds merchandise, 9792415
 Barrels flour, 15050 1-2
 Feet Lumber, 114561
 Ms. Shingles, 1166 85-100
 Cords wood, 612 1-2

Receipts by A. H. Adams,

Total,
 *Received by A. H. Adams, previous to the appointment of collector.
 Articles not specified, to, and from Detroit and Ypsilanti.

AMOS T. HALL,
 Collector of Tolls, Central Railroad, Detroit.

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- That the clerk of the House and the secretary of the Senate be required to procure for the use of the House and Senate, a manual embracing all the appropriate subjects that were embraced in the manual of the last legislature, in connexion with a catalogue of books in the State library, and to have the same bound in the usual form, and deliver a copy thereof to each member and officer of the House and Senate, Mr. Chapin, 46.
- That the joint rules of the Senate and House of Representatives of the State of Michigan, established and pursued at the last session of the legislature, be adopted and pursued until the said Senate and House of Representatives shall otherwise direct, Senate, 49.
- That a joint committee be appointed to inquire of commissioners of internal improvements, relative to disposition of funds, 50.
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